APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Statehood Bill.

SPEECH

OF

HON. HENRY E. BURNHAM,

OF NEW HAMPSHIRE,

IN THE SENATE OF THE UNITED STATES,

Wednesday, Thursday, Friday, and Tuesday, January 21, 22, 23, and 27, 1903.

The Senate having under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States—

Mr. BURNHAM said:

Mr. PRESIDENT: As a member of the Committee on Territories and one of a subcommittee which recently visited New Mexico, Arizona, Oklahoma, and the Indian Territory, I have listened to the testimony of many witnesses and the statements and arguments of others who are interested in the bill now pending before the Senate known as the omnibus statehood bill.

It has also been my privilege to obtain from personal observation and from interviews with many of the people of these Territories some impression as to the physical conditions there existing upon which the claims to statehood are based, and to gain some information as to the character and habits of the people, their race divisions, and their social, moral, and educational standing.

The time of the subcommittee, limited by the Senate agreement, was fully occupied while in these Territories by taking testimony, listening to statements, visiting schools, driving about the cities and out into the country districts, and by the long journeys from place to place where our investigations were made.

Much information was received during this visit that could not otherwise have been obtained, and the members of the committee sought for evidence, impartially and from all sources, that would bear upon the important facts involved in this statehood measure.

New Mexico was reached first in our journey, a Territory of great historical interest, where in an unknown period of time the cliff dwellers had their homes, and where a later race of uncertain origin had made some progress in civilization, had engaged in agriculture, and constructed ditches and canals for purposes of irrigation, evidences of which are found to-day by those who are occupied in the same work.

Here, too, are found fragments of pottery and ruins of habitations used and occupied by Indian tribes, and here are seen the mission churches and the old palace at Santa Fe built by Spanish colonists more than three centuries ago. It is an interesting fact that this Spanish occupation preceded the settlement at Jamestown and the coming of the *Mayflower*.

It was from these colonists, who crossed from Mexico into this Territory, that we have by descent that large number of Mexicans who now constitute the majority of the population.

The boundary lines of New Mexico form a parallelogram. Its average breadth is 335 miles and its length 367.

The general slope of the land is from north to south, from an elevation of about 7,000 feet above the sea to 3,500 feet at the southern border, thus falling away on an average of about 10 feet to the mile.

Mountain peaks, reaching a height of 8,000 to 13,000 feet, with their connecting ranges, divide the Territory into five distinct watersheds.

The Rio Grande, passing from north to south, separates the land into two nearly equal portions. On the northeast is the Canadian River, whose waters finally pass into the Mississippi. On the southeast the river Pecos flows for a considerable distance and unites with the Rio Grande. In the northwest the San Juan and in the southwest the Gila are the principal rivers.

This Territory has an area of 122,580 square miles, being equal in extent to all of New England, New York, and New Jersey and larger by 1,900 square miles than the combined area of England, Scotland, Ireland, and Wales.

THE CENSUS.

This vast extent of land is sparsely inhabited. By the last census it had only 1.6 inhabitants to the square mile. The accuracy of that census has been questioned, and one of the inquiries made by the subcommittee was for the purpose of determining whether or not the census returns were substantially correct.

Seventy-eight enumerators had been appointed to take this census; they were assisted by interpreters, among whom were 13 who could speak the Spanish language and interpret for the American enumerators.

They were amply compensated, and doubtless sought these appointments because of the pay they would receive. In many instances, perhaps in nearly all cases, they were paid according to the number they returned, and their own interest, therefore, prompted them to make a careful and complete enumeration.

Mr. FORAKER. Would the Senator object to my interrupting him to ask a question?

Mr. BURNHAM. Not in the least.

Mr. FORAKER. Would it be convenient to the Senator to state in this connection what the compensation was that the enumerators were to receive for each name returned? I ask for information.

Mr. BURNHAM. My impression is that it was two and a half or three cents apiece, and a per diem pay, in some cases, which amounted, I think, to $5.

Mr. LODGE. The same pay as in all the Territories.

Mr. BURNHAM. The same pay.

Besides, the question of statehood was at that time generally discussed. The importance of a full enumeration must have been present to the minds of the enumerators and thoroughly considered by those who were most interested in having a full return, and who, therefore, would see that the work was faithfully done.

While the taking of the census in this Territory has been criticised by the advocates of statehood, and claims have been made that the population was in fact many thousands in excess of the census returns, yet it does not appear that in the cities, or anywhere throughout the Territory, any attempt has been made by actual canvass to refute the official figures.

But if any doubt could have existed as to the substantial accuracy of the census, it must have been settled by the sworn testimony of the large number of enumerators who appeared before the committee and stated that they took an oath to faithfully perform their duties as census enumerators; that they did perform those duties, and that their returns were as accurate and as complete as they could make them.

These enumerators were their own people. They were men who for years had lived in that Territory and were familiar, as I submit, with the country, with its people, and with all its conditions. Besides, they were men who had taken a solemn oath faithfully and fully to make return of all the people residing in their several districts. I believe they were fully and amply compensated. At all events, they sought those offices themselves; they knew their districts, knew the business, and the duties in which they were about to be engaged; they knew their compensation, and I believe that they were faithful and reliable men. When we come to take their statements, we find that each and every one says that his return is substantially correct with some few possible omissions.

It seems to me that it bears somewhat upon this statehood question if it be true that 78 census enumerators in that Territory have so egregiously failed in the performance of their sworn duty. It reflects somewhat, I submit, upon the people whom they represent.

I believe that they were surrounded by influences which would prompt them to make a true and faithful return. I believe that among those people there was a feeling that it was a most important question, How many people are there in this Territory? They

would base their claim to statehood upon the number that would be returned, and the men selected for that purpose, some with experience in the taking of former censuses, the men who came before us, were intelligent and capable enough to find the number of people in the Territory.

I have no doubt that some of the men were away and that families were away. They were away during the summer season possibly, and some of them were prospectors in the mountains. But take the cities. Is it possible, for instance, that in the city of Phoenix 5,000 people were omitted in the taking of the census? The enumerators hunted for those names and hunted for those people, and did it successfully. Indeed, I find that one of the census enumerators was so earnest and so faithful that even before his term of office began he was looking for the names of people for the purpose of making a return, and making that return full and complete. Others stated definitely that they had used every possible endeavor to hunt up those people, and that they did not think there was a man, woman, or child whom they could possibly find who was omitted.

This shows somewhat the character of the enumeration. I will continue with a further statement in reference to these enumerators, particularly with their testimony as they came before the committee, and satisfied us by their intelligence and appearance that they were men who would not fail to do their sworn duty.

It is not to be supposed that all of the inhabitants of that Territory were enumerated; neither is it to be believed that many thousands were omitted.

Doubtless at that season of the year some from among the wealthier classes were at seaside or mountain resorts, and some, living in places remote and difficult of access, escaped attention; but I appeal to the personal knowledge of Senators whether in their cities or in their communities any considerable per cent of the people are away at such resorts at any time who could not be found and returned by the census. It is a little singular that Oklahoma, not so far away, has no complaint to make of its census. There, indeed, returns were made by census enumerators, who all concede, faithfully performed their duty. Why is it that the census is all wrong in New Mexico and Arizona and is perfectly satisfactory and right in the Territory of Oklahoma?

But it is said that in places remote and difficult of access some escaped attention. I have no doubt that there was a limited number away in the mountains. There were prospectors in the mountains hunting for gold, hunting for precious minerals in the mountain fastnesses; but that number could not have been very considerable.

I can not believe that the population of these Territories was so elusive that the enumerators could not find it. If prospectors were not found, can it be said by anyone that they are a part of the permanent citizenship of these Territories? Are they not of necessity a migratory people? Are they not here to-day and gone to-morrow? As one of the enumerators said, perhaps a few of these prospectors were still remaining in the Territory, but they might in a day or a week or a month be in Colorado, or they might be in Nevada, or somewhere else. They are not permanent citizens; and I am sure they can not fairly be reckoned as citizens of these Territories, although, of course, if they are found they are enumerated in the census. The conclusion of the committee was that both the census of this Territory and the census of the other Territory of Arizona—I have been speaking more particularly of New Mexico—were faithfully taken and were substantially correct; that conclusion is sustained by the evidence of the enumerators themselves and established by all the probabilities that bear upon the question.

It must then be found that the total population of New Mexico at the time of taking the census of 1900 was substantially 195,310, divided as follows: White, 180,207; Indian, 13,144; Negro, 1,610; Chinese, 341; Japanese, 8.

It would appear from the census that the growth of this Territory has not been rapid. But it is said in explanation that growth has been prevented for years on account of Indian ravages. I may be entirely mistaken, but it seems to me it is a good many years since Indians have interfered with the citizens of the Territory of New Mexico or have prevented agriculturists from occupying the lands wherever they could be fairly and profitably cultivated. It has been said that the Spanish or Mexican land grants prevented the securing of good titles. That is undoubtedly true to a considerable extent. The Senator from Ohio [Mr. FORAKER] stated, if I remember correctly, that there were 30,000,000 acres in that Territory held under those Spanish grants. That left more than 48,000,000 acres. Barring certain small Indian reservations, it left that much territory which has been occupied only to a very limited extent.

The question that meets us at the outset of this debate is whether that number of inhabitants will justify a claim for statehood. The Constitution does not answer this question, but leaves the admission of Territories to the discretion and judgment of Congress.

In the report upon the new statehood bill, submitted to the Senate by the chairman of the Committee on Territories, attention is called to the ordinance of 1787 for the government of the Northwest Territory, and particularly to the provisions contained in the fifth article of that ordinance. I wish to quote from that report:

RULE AS TO POPULATION.

While the preparedness of a community asking statehood is left to the good sense of Congress, we are not without an established rule. When the Constitution was adopted no such development as we have experienced was contemplated; but still the Republic was then in possession of the Northwest Territory and the formation of States out of that Territory was contemplated.

The last work performed by the Continental Congress relates to this, and, as Daniel Webster declared, is second in the importance, value, and wisdom of its provisions only to the Constitution itself. This was the famous ordinance of 1787 for the government of the Northwest Territory.

This ordinance provides for the future division of said Territory into not more than five nor less than three States, and it fixed the boundaries of three of them, namely, Ohio, Indiana, and Illinois. The fifth article of that ordinance provides that—

"Whenever any of said States shall have 60,000 free inhabitants therein such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government."

It is thus seen that the fathers, even in the eighteenth century, provided—

First. For very large States as to area and resources (for it was then well known that the Northwest Territory was rich in agricultural resources and the natural home of a mighty population); and

Second. That each of these States must have a population which, in comparison with the population of the rest of the Republic at that time, was very heavy indeed.

This rule was referred to by President Washington in his message transmitting to Congress the constitution of Tennessee, and President Washington added that—

"As proofs of the several requisites to entitle all the Territories south of the Ohio River to be admitted as a State into the Union, Governor Blount has transmitted *a return of the enumeration of its inhabitants*," etc.

"SIXTY-THOUSAND RULE" BASIS FOR SLIDING SCALE.

This number, however, was not intended to be a permanent requisite, but a standard referring to the population of the rest of the nation at the time. By comparing 60,000 (the number of people required for statehood in 1787) with the population of the Nation at that time we find the ratio which statesmen of that day deemed essential as between communities applying for statehood and the Nation itself. At that time the population of the United States was less than 4,000,000. If 60,000 were required as the first requisite for statehood when the population of the Nation was less than 4,000,000, the same rule would require a population at the present time of over 1,153,000; and every reason supporting the rule of 60,000 established by the fathers' ordinance of 1787 requires as many more than 60,000 now as the population of the Nation itself at present is larger than it was one hundred and fifteen years ago.

I desire to call the attention of the Senate just for a moment to the fact that a population of 60,000 was fixed upon in the ordinance for the Northwest territory as a prerequisite to statehood. Was it a mere arbitrary number, fixed without regard to other relations? I believe that there was some reason for this number being designated in the ordinance, and the only reason, I submit, that can occur to any Senator is that it bore some relation to the total population of the country as understood at the time. The population of the country then was something more than 3,000,000. This number of 60,000 would be substantially one-fiftieth of that total population. There was, I submit, some reason, some basis, or some ground for putting that number into the ordinance, and I query of any Senator what possible reason could be given except that it bore some relation to the total population, which was understood then to be fair and just and right?

Now, if there was in that ordinance some reference to the total population, some comparison between the number fixed upon and that total, why should we not carry out the same idea to-day and maintain that the population of a Territory should bear some just and fair proportion to the total population of the whole country?

The fathers who framed this ordinance must have had in mind the total population of the nation at that time, and must have considered the numerical question with great care when determining that 60,000 free inhabitants were a requisite to the formation and admission of a new State.

This number and the ratio it bore to the total population must have been understood at that time to be just and fair to the Northwest Territory and to the original States. From this rule, so established, it would follow that as the total population increased during succeeding years so would the standard for admission change, and a proportionately larger number would be required of each Territory claiming statehood.

Under that rule, as appears in the report, the required population at the present time would be over 1,153,000.

At the time of the admission of Kansas as a State another and a different rule was introduced—a rule which would require that the population of a new State should at least be equal to the unit of representation in the House of Representatives. According to the census of 1900, this would require a population of 194,182.

I desire to read from the act of Congress approved May 4, 1858, with reference to Kansas, the following, which seems to be applicable:

If the people of Kansas do not desire admission under the conditions set forth in said proposition, the people of said Territory are hereby authorized and empowered to form for themselves a constitution and State government, by the name of the State of Kansas, according to the Federal Constitution, and may elect delegates for that purpose whenever, and not before, it is

ascertained by a census, duly and legally taken, that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States.

This rule has never been followed in the subsequent procedure of Congress, and there would seem to be no good reason for its adoption.

I call attention to this fact—that here again was an attempt to find a ratio between the population of a Territory claiming admission and the total number of inhabitants in the whole country.

In the same report a new rule has been suggested, and the statement is made that "it would have been well and would now be well if the rule could be adopted that any new State should have a population equal to the average population of the remainder of the States."

Under this rule the required number for any new State at the present time would be 1,650,000.

While this rule might not be assented to because, as might be said, it places the standard too high, yet its statement calls attention to the fact, which should be given great consideration in determining the present question of statehood, that the Republic now has a population of over 76,000,000, that the average of the States is now 1,650,000, and that the population of a new State should bear some just proportion to that average.

For the purpose of calling attention to these proportions, that we may have in mind what doubtless every Senator in a general way understands, I wish to note the resources of the country as they are to-day, the wonderful growth of the country. We find this to be a fact that in 1860 our population was 31,443,321, and to-day by the present census it is 76,303,387.

I call attention to the census of 1860 because it was in 1861 that Kansas was admitted as a State of the Union. Then the population was 31,443,321, and it is now over 76,000,000. Here has been a growth of nearly 45,000,000, more than double the population in 1861, when we were insisting that we would admit a State only upon her possessing the unit of representation, which at that time was, I think, 127,000.

Now, look for a moment at our resources. In 1860 the resources of this country were $16,159,616,068—something over $16,000,000,000—and in 1890, as to which we have definite and certain returns of the census, our resources were $65,037,091,197, and carried along with the same development and increase, which, I submit, is a fair statement, to-day we have nearly or quite one hundred billions of wealth in this country. If so, should not the standard by which Territories are admitted into this Union be in some measure increased over the ratio of representation that was fixed with reference to Kansas?

Reference has been made, I think by the Senator from Ohio [Mr. FORAKER], to Tennessee and to the fact that President Washington referred at the time to that State as admitted of right because of its population. It is a matter of fact, I understand, that Congress by the act of May 26, 1790, applied the ordinance of 1787 to the territory south of the Ohio, the government to be similar to that of the Northwest Territory. The meaning of that was that all the privileges, immunities, and rights which belonged to the inhabitants of the Northwest Territory were given to those south of the Ohio River, which included the then Territory of Tennessee. So that the Territory of Tennessee came in expressly under the ordinance of 1787.

With reference to Oregon the same fact applied; that is, in the organic law, as I am informed, the rights, privileges, and immunities that were given in the ordinance of 1787 to the Northwest Territory were given to the inhabitants of Oregon, and they came into the Union as a matter of right under those conditions.

To-day New Mexico asks for admission into the Union. With a population less than one-eighth of the average population of our States; with barely enough people to entitle her to one Representative in Congress, she asks not only for that Representative but for two Senators, with power equal to that of the greatest State in our National Senate, and for three Presidential electors.

We are, I believe, to consider not only the interests of these Territories, but the greater interests of the whole Republic. Whatever may have been the action of Congress in the past, we are to meet the question of to-day in the light that is now given us. We are to remember that statehood means more to-day than ever before, that it is not unreasonable but eminently just and fair to insist upon a higher standard for admission into our Union of States, now that our population, our resources, our power and prestige at home and abroad, have been so marvelously increased.

We believe that if no other question than that of population were involved in determining whether or not New Mexico is entitled to statehood, the decision must be against her admission, but another and most important question is as to the character of that population.

In what I may say here I have no purpose to vilify or slander the people of that Territory. They are part of our common country and they are entitled to our favor and our consideration. Surely they are entitled to our fair judgment, and nothing should be said by way of hostility or unreasonable opposition; but I submit that here and in the other House up to a recent time we have heard only from those who favored the admission of these Territories, only from those who naturally, as any of us would do, take a rose-colored view of their condition. I believe it was not fully understood until the committee visited these Territories just what the internal conditions were; this information could only be obtained by such an investigation as was made by the subcommittee. During that visit the committee diligently and faithfully pursued its work; it learned all it could, and I submit it brought back in its report nothing but what was established by the proven facts; nothing that was inspired by prejudice or by any unworthy motive.

So, then, what I may say about the character of these people will be said with no feeling of pleasure or gratification but rather with sincere regret. I believe the truth should be stated here, and that we should know what not all of us have understood, the peculiar conditions of that Territory.

We find everywhere throughout the Territory, in common language, in the universal expressions of her people, that the population is divided into two classes—Americans and Mexicans. Germans, Swedes, Irish, and those of all other nationalities are called "Americans," while the term "Mexican" is applied to those of Spanish and Mexican descent. This was everywhere so understood. Every witness who came before the subcommittee and was questioned with reference to this race division responded with the full knowledge and understanding that there were two distinct and separate classes of people occupying that Territory.

This division into two classes is a significant fact. It shows that the Mexican element is regarded as distinct from all other races, and is some evidence that it has never assimilated to any noticeable extent with Americans or those of other nationalities. During all the years of its occupation, covering centuries of time, the Mexican race has remained distinct. It has, I believe, in large measure adhered to its ancient customs and habits, beliefs and occupations. It has been wanting in enterprise, activity, and energy, and in that progressive spirit which is essential to good citizenship and to the building up of a successful State. Not until the coming of the Americans and their occupation do we find in that Territory any substantial evidence of moral, material, or political advancement, and whatever has since been done along progressive lines has been largely accomplished by Americans who have settled there.

It is true that among the Mexicans there may be found some who by reason of superior advantages, better education, greater ability, and higher ambitions have attained distinction in many of the walks of life, but their number has not been sufficient to change the general characteristics of their race.

An effort was made by the committee to ascertain in the places visited the proportionate number of Americans and Mexicans—a fact which it is known we were not able to obtain definitely from the census returns. The judges of courts, whose duties call them to the several counties in their districts, census enumerators, whose business would give them much information, and others who had special means of knowledge were inquired of as to the relative numbers in these race divisions, and I desire to present a part of this testimony.

At Las Vegas Chief Justice William J. Mills was called and in answer to inquiries stated in substance that the population of his judicial district, the fourth, was made up largely of Mexicans.

In San Miguel County, the largest in the district, there are about 15,000 Mexicans and 6,000 Americans, the Americans being located to a great extent in the towns. Mora County very largely predominates in Mexicans. In Union and Guadalupe counties, also, the Mexican element is far in excess, aggregating five-sixths of the total population in the latter county before the railroad was put through. In Colfax County alone the Americans have a majority.

It will thus be seen that, on an average, at least two-thirds of the population of Judge Mills's district is of Spanish or Mexican descent.

I will also bring to your attention the statements of the first six of the twenty or more enumerators who appeared before the committee.

I take, then, the first judge who appeared before the committee, and I take the first six of these enumerators. Pablo Ulibarri said, in reply to questions put to him through the official interpreter, that his district, embracing Placientas, 15 miles north of Las Vegas, contained about 2,500 people. Of these, 95 per cent spoke Spanish, although 65 per cent of that number could make themselves understood in English. (P. 14.)

Diamo Deo Sena, who took the census in San Miguel, stated that of the 800 people in his district only 25 spoke English. (P. 15.)

Of the 3,000 people in old Las Vegas, contained in the district

covered by José Lino Rivera, practically all spoke Spanish. (P. 16.)

Eugenio Rudolph, an enumerator in one of the country districts northwest of Las Vegas, stated that 20 per cent of the population might be Americans. (P. 19.)

Pablo Jaramillo, whose district embraced Upper Las Vegas, Las Vigiles, and Las Vegas Hot Springs, with a total of some 500, stated that more than 50 per cent were Mexicans. (P. 20.)

While these statements are not all that were taken and, covering only a limited territory, are necessarily imperfect and incomplete, still we were enabled by this and other testimony to form some impression as to the race divisions, and to determine the fact that in a majority of the counties the Mexicans predominate.

From the census of 1900 we are not able to ascertain the number of Mexicans in the Territory, but from the report of the Governor to the Secretary of the Interior for 1902 we take the statement to be found on page 4. The Governor of the Territory makes an estimate of the population largely in excess of the returns of the Census Bureau, but I give the figures just as they appear in his report:

> There are in the Territory about 144,000 descendants of the original Spanish and Mexican settlers, and about 90,000 people who have come or whose parents on both sides came from the States since the date of the so-called American occupation, some fifty-two years ago. There are 12,700 Indians here, about 9,200 being Pueblo, living in village communities of their own, while the remainder are Apache, living on the Jicarilla and Mescalero Indian reservations, and Navaho on the Navaho reservation.

By this statement from the Governor of the Territory it appears that eight-thirteenths of the population, exclusive of Indians, are descendants of the original Spanish and Mexican settlers.

The total population according to the census of 1900 is 195,310. Of this number, taking the proportion as stated by the Governor, there would be in the Territory 75,120 Americans and 120,190 Mexicans, an excess of 45,070, while the excess of the latter class if the estimate of population made by the Governor is correct would be 54,000.

While the Governor, as we submit, is not correct in his estimate of the total population, yet it is reasonable to infer that, being a native and always a resident of the Territory, he would state with a reasonable degree of certainty the ratio between the two races.

USE OF SPANISH.

It is important to know whether these people, who constitute so large a majority of the inhabitants of the Territory, still adhere to ancient customs and still use the Spanish language.

The investigation made by the subcommittee disclosed the fact that, although this Territory has been a part of the United States for more than half a century and although these people have been living under our laws during this long period of time, the prevailing language among them all is Spanish.

The older men and women can speak nothing else. The younger to some extent have learned our language and, when obliged to, make use of it. Living in a separate part of each city or in country districts, they associate together almost exclusively, and have been and are to-day a distinct class. Among themselves, in their own homes and in their social and business relations with each other, they use with few exceptions the language of their Spanish or Mexican ancestry.

While the number who can, if necessary, speak English has been increased during the past decade, still the census shows that of the total population 10 years of age and over 11.4 per cent are unable to speak our language. In Oklahoma there are only 1.8 per cent and in the Indian Territory only 2.9 per cent who can not speak English.

Now, it has been remarked that these people are able to speak both languages. Of course this can be no objection, but I submit that these people are not linguists and that the mass of them understand but very little English, and there are certainly 11 or 12 per cent of them who can not speak English at all.

INTERPRETERS, JURIES, AND COURTS.

From the judges of their courts and court officials we learn that an interpreter is appointed in every district, who holds an office established by law and draws an annual salary. His services are almost indispensable in every county, and that we have from the testimony of the judges who hold court in the different counties. At each session of court he interprets the testimony of witnesses, the instructions of the court to the jury, and the arguments of counsel. It also appears in the evidence taken by the subcommittee that occasionally this interpreter is required to attend upon the deliberations of the jury when they retire to consult and make up their verdict.

Such a practice or even the occasional presence of an interpreter in the jury room must be condemned by all who are interested in our courts and in the proper administration of law and who regard the jury room as a place that belongs exclusively and sacredly to the jury while deliberating upon the questions submitted to them. Such an anomaly in court proceedings could not fail to attract attention; and the necessity that exists for such services by an interpreter discloses to some extent the fact that Mexicans who can not speak the English language are accustomed to serve as jurymen.

Mr. C. M. Foraker, United States marshal for the district of New Mexico and an intelligent gentleman familiar with the Territory, furnished to the committee copies of the pay rolls of grand and petit jurors during the year 1900 for the third United States judicial district. From these copies it appears that during the quarter ending December 31, 1900, 12 out of 30 grand jurors, and for the same quarter 13 out of 29 of the petit jurors, in this district could not write their names and signed these pay rolls by a mark. (Pp. 262–267).

In the course of his testimony Mr. Foraker further stated that in one case there was a grand jury of 21 and that 19 of them signed by a mark, and in another case a petit jury of 24 where 21 could not write their names. (P. 76.)

In a letter to Hon. GEORGE W. RAY, chairman of the Committee on the Judiciary, House of Representatives, from Hon. John W. Griggs, Attorney-General of the United States, dated December 15, 1900, reference is made to the evils of the jury system in New Mexico and to the provisions of a bill whose passage he recommended. He says:

> The provision that jurors shall understand the English language is very important. Although New Mexico has been a Territory for fully fifty years, it is the exception to find among the jurors selected for service in the United States courts any who can understand the English language. Consequently the Government is under heavy expense annually in the employment of interpreters.
>
> The population of the Territory is largely of Mexican descent, and they are anxious to serve as jurors, while the (so-called) American element endeavor to escape jury duty. Reference to the pay rolls of jurors in the first and second districts, composed largely of Mexicans, shows that many of them are unable to write their own names. (P. 76.)

Whatever may be said of the character of these people as jurors by those who see only one side of the question, it should be evident to all that great causes involving life, liberty, property rights, and matters of the highest concern can not safely or properly be submitted to a tribunal so densely ignorant that nearly one-half of its members are unable to write their own names.

Jurors are selected men and would naturally come from the better educated and more intelligent in each community. If this is the condition of their jury system and such men as these are regarded as their qualified jurors, ought not the schools and the American immigration to exercise their elevating influence for a longer period of time, until jurors in that Territory, who present indictments or hear and determine great causes, can read documentary evidence that may be submitted to them and write their own names?

Several justices of the peace were called before the committee in different places and were asked to present their records and give information as to the method of conducting business in their courts. As a rule jurors were not required, but occasionally they were summoned. The only jury list of which we were informed gave the following names: Pedro Triego, president; Fabriar Gallegos, Antonio Maria, Pedro Grego, José Ulibarri, and Luis Pino. All were evidently the names of Mexicans.

The records were generally found to be kept in Spanish, and the testimony given before these courts as a rule required the services of an interpreter. Even some of the justices who appeared before the committee were unable to speak English, and the assistance of an interpreter was required to make their statements understood.

It would seem reasonable to expect, if this is a progressive people, that the judges who hold such courts would be able to speak the language of our country.

Unable to read the laws of the Territory in English, they were conveniently supplied with a Spanish translation.

Census enumerators, some of whom were obliged to have an interpreter, testified to the general use of the Spanish language in the country districts and in certain precincts of the cities; and the fact that a majority of the enumerators were of that race, and that Americans were assisted by thirteen interpreters, is some evidence of the language that prevails in New Mexico.

SPANISH IN THE SCHOOLS.

From the testimony of teachers in the public schools it was ascertained that in many localities nearly all the Mexican pupils, upon entering the lowest grades, speak nothing but Spanish; that in the larger schools English and Spanish (p. 27) are taught, while in some districts it was said that Spanish is used exclusively. The reason given for this was "the paucity of teachers." In the high schools Spanish is taught to enable the graduates to instruct in that language and to transact business. The Mexican pupils in some localities never enter the high school, but leave their studies at some lower grade. It is said of them that (P. 24) "they learn to write and learn to draw, but it is very hard to teach them English well." When engaged in play and at their homes it appeared in evidence that these Mexican children generally use

the Spanish language, and when they leave the schools the tendency among them is to go back to the common use of that language.

POLITICAL CAMPAIGNS.

Inquiry was made to ascertain whether the speeches delivered during political campaigns were given in English or Spanish, and it was found that in many counties only the foreign language was spoken, while in other places both languages were used.

When election day comes, American ballots will not answer for all the voters of the Territory, but some must be printed in another language. It is doubtless true that many of their officials have been elected by these foreign ballots, and by voters who could determine their meaning and the political party for which they were prepared only by some sign or emblem conspicuously placed upon the ballot.

In the political conventions of both parties an interpreter is necessary, and during the nominating speeches this assistant is always at hand to repeat in another language the laudatory and eloquent address of the advocate of each nominee. When the present Delegate from the Territory was nominated at Raton, October 10, 1902, José D. Sena acted as interpreter. He stated before the committee that Mr. Maortez was appointed interpreter on the floor, that his voice gave out, and that he, Mr. Sena, took his place. The nomination of Mr. RODEY was made by a gentleman in English. Mr. Sena interpreted this, and he also interpreted the speeches seconding Mr. RODEY'S nomination. (P. 32.)

So, too, in the legislative assemblies of the Territory, in both the council, which corresponds to a senate, and in the house of representatives, an official interpreter is required for the transaction of business.

I have heard the assertion made that so far as the senate is concerned it is altogether unnecessary; that there is no occasion for interpreters to translate from one language to another the statements of its members. But it is a little singular, that interpreters should be continued in office year after year for no other purpose, as appears by the statement referred to, than to entertain the spectators. It is hardly creditable to their senate or to their people that this should be done as a mere matter of entertainment. The taxpayers' money is being paid to those interpreters, and it would seem if they were not necessary they would not be constantly employed.

I believe, however, it is a fact that among the men who are elected to these assemblies there are those who can not speak or understand the language of our country, but must have the assistance of an interpreter.

Is that Territory quite prepared for statehood where so many of its people, where justices of the peace, delegates to great conventions, officials, and legislators are unable to speak or understand the English language?

EDUCATION IN NEW MEXICO.

I will now call the attention of the Senate to the past and present educational conditions of the Territory.

To my mind this is an important consideration. I wish to trace the development along educational lines, though at some length, and I want to show what has been the growth and development during the earlier Mexican occupation and what has happened in later years. In Bancroft's History of the Pacific States, page 643, referring to the period from 1850 to 1860, during our earliest occupation and when there were very few Americans there, it is stated that—

Nowhere in the United States was popular education in so lamentable a condition as in New Mexico during this period.

Here had been a Mexican occupation for several centuries, and that was the condition we found at the time our occupation began.

Bancroft continues:

Of the population in 1850, the census showed a total of 25,085 adults and in 1860 of 32,735 who could not read or write, and the correct figures would doubtless have been considerably larger. * * * There were practically no public schools at all.

It is further stated that certain persons of considerable authority used their influence against any common school system, but that Territorial officials and leading citizens realized the importance of educating the masses.

The historian continues:

Several memorials were sent to Congress asking for money aid in place of the usual land appropriations, which as yet could not be utilized. * * * In 1859-60 an act of the legislature provided for a school in each settlement, to be supported by a tax of 50 cents for each child, the justice of the peace to employ a teacher and require attendance from November to April, and the probate judge to act as county superintendent. This was the system for many years with but very slight modification (p. 643).

From a note on page 774 of the same history I would quote these items:

1866. The various statutes (relating to schools) have no effect, but some activity in private schools.
1867. Act amending and perfecting school systems; probate judges to act as county superintendents.
1868. Still no schools, and no school tax collected, according to governor's message.
1871. In 4 counties, out of 5,053 votes only 37 were in favor of a law to support schools by taxation.

That was as late as 1871, when, let me repeat, in 4 counties, all told, only 37 votes favored public education at public expense.

1870. Total school attendance, according to census, was 1,889.

The population at that time, by the census, was 91,874. Less than 2,000 attended school out of a population of nearly 100,000.

1872. Act providing for county boards of 4 supervisors.
1875. Eight counties report 138 schools, 47 teachers, and 5,151 pupils, under law of '71, giving the schools one-fourth of tax and the poll tax.
1881. Education compulsory for five months per year.
1883. Governor reports not much progress under the system.
1884. Act establishing public schools, with an elective county superintendent, one or more schools in each district, under 3 directors, and a tax of 3 mills per dollar, with poll tax; school fund this year to be $100,000, or one-fourth of all taxes.

This would seem to be a substantial amount and would seem to indicate progress along educational lines, but in the text the author of this history, on pages 774 and 775, referring to a time between 1884 and 1888, states that education "has remained in a backward condition, notwithstanding the advanced views and earnest efforts of Territorial officials and of many citizens."

In 1880 (when the population was 119,565) there were only 162 schools, with an average attendance of 3,150 pupils. By acts of the legislature a public-school system was created and perfected at different dates from 1863 to 1884, when it assumed a tolerably effective form, in theory at least.

But this unprejudiced historian makes a further statement:

One-fourth of all taxes is devoted to education, but in the collection and application of the funds there have been great irregularities, on account of the apathy of the native population.
The cause of education has been retarded also by all the causes that have hindered progress in other directions.

The author in this connection names as one of the obstacles to educational progress the great preponderance of the Spanish element, and says that with the increase of immigration there is noted a constant, though slow, growth of a healthful sentiment in favor of schools, and encouraging progress is looked for in the future.

I would ask that consideration be given to this historian's unprejudiced opinions as to the causes of the neglect of public schools during a long period of time after the treaty of Guadalupe Hidalgo. Was not this neglect due to the apathy, ignorance, and unprogressive spirit of the predominating Spanish and Mexican element?

When, however, the American immigration had begun to make a more noticeable and a more durable impression, when railroads extended over the territory, when capital had found larger investment, and enterprise and intelligence had obtained a greater influence over this people, then for the first time the public-school system received due attention, and a more complete and effective school law was placed upon the statute books. But this, let us all bear in mind, was not accomplished until the year 1891.

In the report of Hon. L. Bradford Prince, Governor of New Mexico, dated October 12, 1891, referring to the school law passed at a session of the Territorial legislature and approved February 12, 1891, it is stated:

Preeminent in their importance are the acts relating to public education. The public-school system of the Territory has been very defective. While it can not be expected that a system equal to those of most of the States can be maintained in the absence of a school fund, and the portion of the public domain set apart for that purpose is not available without Congressional action, which thus far has been refused, yet very much is accomplished by the series of acts passed by the late legislature.

Chapter 25, "An act establishing common schools, etc.," is intended to provide a complete system of public schools throughout the Territory. It unifies the whole by creating a Territorial superintendent of public instruction and a Territorial board of education.

It provides for a uniform series of text-books, and for their purchase at the lowest rates; for the examination of teachers; for the incorporation of school districts; for the erection of schoolhouses; and, generally, for the efficient conduct of the schools.

To meet the necessary expenses it authorizes a Territorial tax of 3 mills, a district tax of 5 mills, and the bonding of districts for specified purposes by a vote of the people. In addition to all this, all poll taxes, fines, forfeitures, and all licenses paid by liquor dealers, etc., go to the school fund.

The passage of this act was looked upon as a very important step in the progress of the Territory, and was the cause of general rejoicing. * * * Taken altogether, the acts passed relative to public instruction at this session constitute the most important and progressive legislation that New Mexico has ever known. * * *

As mentioned under the head of "Legislation," the crowning work of the late legislature was that relative to public education.

And here the Governor makes this further statement:

For the first time a regular system has been instituted, with an official head. While the laws are not yet perfect, yet they are far in advance of those which they superseded in every respect.

From that time we can date the beginning of greater progress in improving and elevating the mental, moral, and material condition of the people. The time since then has been brief, a little more than ten years, and, although much has been accomplished in this short period, yet the great work along educational lines is still before them.

In this connection I wish to add the statement of a citizen of

Las Cruces, who came voluntarily before the committee while engaged in a hearing at that place. I desire to say of this man that I was informed by one whom I knew and in whom I had perfect confidence that his statements were thoroughly to be relied upon; that he was a man of intelligence, a man of substance, a man acquainted with the Territory and conditions there, and that his statements were to be believed. His name has been mentioned before in this discussion—Martinez Amador, a farmer, 64 years of age, who was born in the Republic of Mexico and came to Las Cruces when 9 years of age, and has lived there ever since. He said, in answer to inquiries, that his farm was near the Rio Grande and that he farmed by irrigation entirely. I offer now other questions and his answers:

Q. Is your farm all watered regularly?

A. No, sir; we have been suffering a great deal for water. Since the railroad came here there is so much population above, it cuts all our water here. We have been suffering, and we lose our farms, and we lose a good many thousand dollars on that account. I have a good deal of a farm here myself. I got here 300 acres of land and I can not raise nothing on account of water. I lose my orchard, and lose nearly the whole thing.

This applies to another matter, but I wish to read it.

Q. How far do you live from town?

A. I live here in this city. That place where you eaten your dinner to-day, that is my residence, right on this side.

CAN NOT DEPEND ON RAIN.

Q. The committee understands that farming can not be done away from the streams?

A. Well, in this country it is very dry. They won't raise nothing if there is no water from the river, you know; we can not depend on rains at all; it don't rain here enough.

Q. And the committee understands from other witnesses that stock raising is possible 5 miles from the water hole or water stream; is that correct?

A. Yes, sir. Well, they all get the water up there in the mountains in the springs, but it ain't been enough water to water a big stock of cattle.

Here is the particular point to which I wish to direct attention:

NATIVES NOT READY FOR STATEHOOD.

Q. Is there any statement which you want to make to the committee?

A. Well, I want, if you will allow me, to make a statement about our population. My people all belong to the Mexican race. They come from old Mexico, and I think our people is not able now to support statehood, because most of the people here is ignorant; and I do not think we are ready to support statehood yet for about ten years, until our children grow up. We got good schools now, and we send our children to school, and they doing well; but the old residents are mostly Mexicans, you know. You take them in the election time, and you take them what you call, the emblem; they go by that, and they do not know who they vote for. They do not know who is on the ticket—the majority of that kind of people. As a consequence, I think there is one great fault of our people—they have not got education; the old timers; the old timers like me. I never been in the schools, except the primary schools, you know, but I been picking up here and there to know just the little I know now, and that is about all; but I never been in the schools. My children are all well educated. They have been to school in St. Louis and they have been in the schools here. My children, they are able to support statehood and compete with the majority as far as people, you know, but the others, I am very sorry to say it, they are not able to do that.

(The remainder of the questions propounded to the witness, and the answers thereto, were made through the medium of the official interpreter of the committee.)

"MANY DO NOT KNOW WHAT STATEHOOD IS."

Q. What is the feeling of the people, the native Mexicans out in the country, like yourself, about this subject?

A. There are a good many that do not know what statehood is. They do not know the difference between a State and a Territory. The greater part of them do not know how to write or read.

Q. You live out in the country; now, in the campaigns are there speeches made out there to your people?

A. Yes; they have some speeches, but it is always in Spanish when they have campaign speeches. Sometimes they speak in English, and then they have an interpreter to interpret it to them.

And further the witness saith not.

Mr. President, I now wish to call attention to the census returns of 1900, and to the facts stated therein bearing upon the question of illiteracy.

ILLITERACY.

Out of a population 10 years of age and over, numbering 141,282, the census shows that 46,971, or 33.2 per cent, are illiterates, and 41,119, or 29.1 per cent, can neither read nor write.

Is that Territory quite prepared for statehood when nearly one-third of its population 10 years of age and over are illiterates, and when over 11 per cent can not speak the English language?

For the purpose of showing the comparative illiteracy of other States and Territories I submit a list of all those designated in the census as belonging to the Western Division, and the per cent of illiteracy of each in the year 1900. The figures are for all native and foreign-born males of voting age.

	Per cent.
Oklahoma	5.9
Montana	6.1
Wyoming	4.3
Colorado	4.1
Utah	3.7
Nevada	12.8
Idaho	5.4
Washington	3.4
Oregon	4.8
California	6.2
Arizona	25.4
New Mexico	28.3

By this statement the true condition of New Mexico in this regard and her relative rank among the States we have named are made apparent.

From this large number of male illiterates of 21 years of age and over must come nearly, if not quite, one-fourth of her voters. Her per cent is nearly five times as great as that of Oklahoma and more than eight times that of Washington.

In the census of 1900, page cxii, Volume II, Part II, it is stated that—

the large proportion of illiterates shown for New Mexico is due, in part, to the large number of illiterates among the native white population of Spanish descent and also to the illiterate among its foreign white and colored population.

But, leaving out the foreign white and colored people, we find that the per cent of illiterates among the native white male population of native parentage 10 years of age and over is 21.9, and of females of the same class the percentage is 41. In Oklahoma the corresponding per cents are, for males, 2.7, and for females, 2.5.

The facts given in these statements establish beyond question the sad state of illiteracy existing among the Territory's inhabitants of Mexican descent, a class that is enabled by its large majority, whenever practically united, to control the public school system, taxation, and all other affairs of the Territory, except in those matters where Congress has some supervision, and which, if at the present time statehood should be granted, would control the choice of governor, judges of courts, Representatives in Congress, two Senators, and the Presidential electors.

Under these conditions is it unreasonable to ask that this large per cent of illiteracy among the people of Spanish and Mexican descent in New Mexico be greatly reduced and her population become more Americanized before the privilege of statehood is granted?

Territories have been admitted with a population manifestly too small to entitle them to this privilege, but assurances were given that in a brief period of time immigration would give them the requisite number of inhabitants. Their resources and future prospects were described in glowing terms by enthusiastic advocates of statehood. Unfortunately, these promises and predictions have not always been found truthful and correct. Subsequent events have not always justified them, and the only basis upon which statehood can be rightfully claimed, is the existing status and development.

RESOURCES OF NEW MEXICO—HER HISTORY.

I would now call attention to the past, present, and prospective resources of New Mexico, and, for a better understanding of their development, I wish to give you a brief résumé of the history of the Territory.

The name of the earliest discoverer or explorer of New Mexico is in doubt. By some historians this honor is claimed for Cabeza de Vaca and by others for Friar Marcus de Niza, a Franciscan monk.

The date of discovery is also uncertain. It is said, however, on good authority, that Friar Marcus, as the first discoverer, visited the Zuñi Pueblos in June, 1539.

In 1540 Coronado, a name still familiar to New Mexicans, guided by the same friar, entered this country and occupied Cibolo or Zuñi. He subsequently explored, through reconnoitering parties, and annexed the Moqui country, to the west, and the Acoma and Tegua cities, on the Rio Grande, near the site of the present city of Albuquerque.

During this expedition Coronado arrived at Bernalillo, on the Rio Grande, in December, 1540, and the Pecos and Galisteo basins were also annexed. Further explorations were made from time to time, and other places were added to the dominion of Spain. The adventurers must have found the cliff dwellings of a departed race and the homes of the Pueblo or village Indians, a description of which I wish to give.

These mighty and famous communal houses were built on some point of importance, not only for defensive purposes but to overlook the country. They were constructed in the form of squares, with inside courts or plazas, all the apartments having their entrances on the plaza, and the building itself is reared to a height of six or eight stories, made of well-laid masonry. So good was their structure that many of them, although long abandoned, remain in good preservation until this day. Others that have been constantly inhabited are as good as when discovered. (Frost's Bureau of Immigration, published in 1904 at Santa Fe, p. 226.)

These wonderful houses of six or eight stories in height contrast in a remarkable way with the one-story adobe houses of very many of the Mexican people now residing in this Territory.

In 1597 Don Juan de Oñate entered New Mexico with 700 soldiers and 130 families for colonization, and a few years later, probably in 1605, a settlement was made at Santa Fe. From that date until 1680 this was the only European settlement of note.

In 1680 occurred the Pueblo revolution when Governor Otermin, with his soldiers and 1,000 women and children, were beseiged in the "Old Palace," still standing on the north side of the plaza in Santa Fe. During that year the Spaniards were driven out of the country and the Pueblos retained control until 1692. They prohibited the use of the Spanish language and the planting of

grains and seeds that had been introduced by their former conquerors, and took great pains to destroy every vestige of Spanish mines.

In 1692 de Vargas reconquered the Territory and from that time until 1800 24 different governors ruled in the old palace at Santa Fe.

The first American to penetrate New Mexico is said to have been a trader by the name of Baptiste Le Laude, who came in 1804. Two years later Lieutenant Pike erected a fort and raised the American flag for the first time in that Territory, but he was on Mexican soil and was placed under arrest, sent to Santa Fe and then to the City of Mexico.

In 1812 a party of St. Louis merchants, under the command of Mr. McKnight, entered New Mexico from the northwest. They were arrested as spies, their goods confiscated, and themselves sent south to follow Pike. They were held as prisoners until Mexico was liberated by Iturbide from the Spanish Crown.

Other adventurous traders followed, and then commenced an era of romance. The "commerce of the prairies" was begun, and the famous Santa Fe trail was opened, with Westport, now a part of Kansas City, Mo., and Santa Fe as the outposts of the American and Spanish civilizations. This trail was not, however, permanently opened until 1822.

From that date until 1843 the trade increased so that on one occasion 350 men and 230 wagons, loaded with $450,000 worth of goods at first cost, were transported in one caravan.

In 1837 a rebellion resulted in the election of Gonzales, a Pueblo Indian, as Governor, but he was soon defeated and overthrown by Armijo, who had been appointed governor by the Mexican authorities.

Armijo was the last Mexican Governor. He was in authority when Gen. S. W. Kearny, with a small army, came down from the north, captured Las Vegas, and then pushed on to Santa Fe. This town surrendered without opposition, and on the 22d of August, 1846, General Kearny raised the American flag in the plaza and declared New Mexico to be a part of the United States. He at once established a Territorial government and appointed as Governor Charles Bent, together with other necessary officials. Bent did not long survive, for while at Taos to quell a disturbance he was killed by a mob of Mexicans and Pueblo Indians.

Other American Governors succeeded him. In 1851 James S. Calhoun was appointed Governor. He was for some time unfitted by illness to perform his official duties and died in June, 1852, on his way to the States. Col. E. V. Sumner, the military commander, in the absence of the secretary, took charge of civil affairs until the arrival of Governor Lane, in September of that year.

Here I wish to insert from the report of Colonel Sumner a brief statement showing the condition in which the Territory was when our American occupation began, and the view that was taken not only by this distinguished military leader, afterwards noted in the Civil War, but by our then Secretary of War.

Colonel Sumner, in his report of May, took a very unfavorable view of the country and its prospects. No civil government emanating from the United States could be maintained without the Army, making it virtually a military goverment, costly and burdensome to the nation, without helping the New Mexicans, who would become only the more worthless the more public money was spent in the country.

"Withdraw all the troops and civil officers," was his advice, "and let the people elect their own civil officers and conduct their government in their own way under the general supervision of our Government. It would probably assume a similar form to the one found here in 1846, viz, a civil government but under the entire control of the governor. This change would be highly gratifying to the people. There would be a pronunciamiento every month or two, but these would be of no consequence, as they are very harmless when confined to Mexicans alone."

The Secretary of War (Charles M. Conrad) went a step further and suggested the buying of all New Mexican property, either for money or in exchange for other lands, and abandoning the Territory as much cheaper than employing a military force at an annual cost of nearly half the total value of real estate. And, indeed, it would have been cheaper in dollars if humanity, civilization, and treaty rights might have been disregarded. (Bancroft's History, pp. 632, 633.)

Down to the opening of the Civil War there were no events of general interest except the campaigns against Navahos and Apaches by United States troops and New Mexican volunteers.

From 1861 to 1865 the Territory was engaged in fighting the Indians and in guarding the frontier against Confederate and Mexican inroads and attacks. Indian wars continued until 1886.

The development of New Mexico under American control really began with the introduction of railroads in 1880. At that time, from all that can be ascertained, few Americans were residing in the Territory.

Under the treaty (of Guadalupe Hidalgo, article 8) citizens of New Mexico might leave the Territory or remain either as citizens of the United States or of Mexico, but such as should not within one year make known their choice were to become citizens of the United States. * * * It was estimated that in 1848-49 the Territory thus lost only about 1,200, though in 1850 a considerable number of wealthy hacendados withdrew with their peones and possessions to Chihuahua. (Bancroft's History, p. 472.)

The great mass of the Mexican people remained in the Territory, and their numbers would account for nearly the whole population as given in the census of 1880.

The history of the Territory from that date, in respect to those matters that are of importance in this discussion, has been or will be referred to.

Mr. Max. Frost, secretary of the local bureau of immigration, in his history of New Mexico and its resources, from which I have before quoted, states that—

It is since the advent of railroads that the real progress of New Mexico has begun. In 1880 it was a frontier country. Its resources were absolutely unknown except to a few adventurous spirits, and there were no towns of any size or importance except Santa Fe (p. 339).

Certainly at that time there could have been but little progress or development and but few Americans residing there.

In our visit to the chief cities of the Territory we found the evidence of two distinct civilizations. Here were good business blocks and hotels, fine residences, and the appearance of thrift and enterprise. That was in the American part of the city. A little way distant were adobe houses of a single story, a few stores in mud buildings, with foreign signs, and a general condition that would result from neglect, ignorance, and a purpose to adhere to ancient customs and modes of living. That was the Mexican quarter.

In these cities we met with Americans who were well educated, intelligent, cultivated and refined, and the peers of any to be found in the States. Here were men engaged in the professions, business men, owners of ranches, farms, and mines, and others who were types of the best citizenship; but the true representatives of the majority of the people in the Territory were not conspicuous. A few only were present, and these were evidently men of high character and ability. The average Mexican, the true representative of his race, as we understood it, did not appear at interviews or receptions. Perhaps he was not interested in the statehood question.

A visit to some of the schools disclosed a commendable condition where American pupils predominated, and in others an earnest effort was evidently being made to instruct and improve those pupils who at home and in their play spoke another language.

While on our journey from city to city, we passed over immense tracts of land, sometimes extending as far as the eye could reach, that seemed like a dreary, worthless waste. The wild grasses that grew thereon were brown and sere, but it is said that within 5 miles of water courses or other supplies of water this land is useful for grazing.

Long ranges of mountains with lofty peaks, towering far above the plains were generally visible. Huge formations, like the battlements of a giant race, were often seen, while columns of stone, like cathedral towers, attracted our attention. To a stranger it is a wonderland by reason of its vast extent and its wondrous scenery of plain and mountain. As one rides the long distances over these desert lands he is impressed with the same thoughts that find expression in the poem of Joaquin Miller, entitled The Ship in the Desert. The "Poet of the Sierras" writes:

A wild, wide land of mysteries,
Of sea-salt lakes and dried-up seas,
And lonely wells and pools; a land
That seems so like dead Palestine,
Save that its wastes have no confine
Till push'd against the level'd skies.

Further along appears the following:

He look'd awest toward the plain;
Against the land of boundless space,
The land of silences, the land
Of shoreless deserts sown with sand,
Where Desolation's dwelling is;
The land where, wondering, you say,
What dried-up, shoreless sea is this?
Where, wandering, from day to day
You say, To-morrow sure we come
To rest in some cool resting place;
And yet you journey on through space,
While seasons pass, and are struck dumb
With marvel at the distances.

LACK OF RAINFALL—IRRIGATION.

Over all this land there is one desire that is universally expressed. It is like that of the fabled Tantalus, a cry for water. Nature has withheld from this great Territory the necessary supply of rain.

Located in the very midst of what was known in our school days and pictured on the maps as the Great American Desert, New Mexico has been hindered in all her attempts at progress by this universal want. It is said that her aridity arises partly from her location, partly from her altitude, and partly from her topography. The Gulf of Mexico and the Pacific Ocean are each about 500 miles distant, and when the winds and clouds reach New Mexico only the mountain chains and peaks can draw further moisture from them. The valleys and table-lands are left with only a scant supply. The average rainfall in the valleys of this Territory will not exceed an inch per month, and two-thirds of that supply falls during the summer months. In New York

the average precipitation is 43 inches, in Boston 45, and in Savannah 48. (Report of Governor of New Mexico, 1902, p. 3.)

What has just been read is not my statement. It comes from one who would not misrepresent to the disadvantage of his own Territory. These are the words of the governor of that Territory. Further on——

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. I interrupt the Senator at this point to call attention to the fact that with the scanty rainfall in the Territory, where it is not mountainous, to which the Senator referred, even when it does fall, it falls in a torrential form; that is, in sharp showers, and it immediately runs off into little gullies or dries up. I think it is stated in the report of the governor of New Mexico himself that within an hour or two hours after the heaviest rainfall in summer time the ground is as dry as it was before the rain.

This fact I refer to because it shows that with the limited rainfall with which that country is endowed the rainfall itself can not be utilized except in the mountains, where it flows into streams, and it then may, and we hope in the future will, be retained by dams, catches, and other irrigation basins. That, however, is a thing for the future.

Mr. BURTON. May I interrupt just a moment to make an inquiry there? What is the rainfall in New Mexico?

Mr. BEVERIDGE. The Senator from New Hampshire has just stated that the rainfall in New Mexico averages scarcely more than an inch per month, and he has given the figures showing the rainfall in other parts of the country.

Mr. BURTON. And what is necessary for a crop?

Mr. BEVERIDGE. I think the best answer to that is to give the approximate rainfalls in the States where crops are the usual thing and not the exception. It is from 28 to 30 and even 40 inches.

Now, I will go a little bit further and say to the Senator that even in India the rainfall on the coast in some places is 100 inches, and farther inland it is 70 and 60 inches, and on a line still farther inland it is 40 inches; that irrigation chiefly exists where the rainfall is as high as 20 inches per year, and that below that point in India land is considered absolutely desert and worthless.

Mr. BURTON. If the Senator will allow me further, is it not known now that rainfall is not as good for producing a crop as irrigation?

Mr. BEVERIDGE. I do not know whether the Senator had the good fortune some of the rest of us had to be actually a farmer or not, and I pause, before stating what I am going to say, to ask whether he was one of these hard-handed farmer boys.

Mr. BURTON. I happened to be president of a company that built large canal in the Arkansas Valley for irrigation purposes.

Mr. BEVERIDGE. Therefore I can understand the Senator's enthusiasm for irrigation. But he asked me a question, and I am going to answer him from his own experience, provided he was a farmer's boy and knows anything about raising crops by hand. The Senator from New Hampshire has given the figures showing the rainfall in New Mexico. I have repeated them to the Senate. I ask the Senator, if he has had any experience in farming, whether or not he thinks that there is a sufficient rainfall in New Mexico to raise a crop.

Mr. BURTON. The rainfall in New Mexico, if preserved, even if it were only 12 inches, and it is a good deal more than that, would farm enough land to make it far more profitable than any country that has 30 inches of rainfall.

Mr. BEVERIDGE. Now, I want to ask the Senator what——

Mr. BURTON. I will say more. One acre under irrigation is worth a half dozen acres outside, and there can not be any torrential rains so great but that the water can easily be controlled and conserved.

It has now been demonstrated by irrigationists that torrential rains do not interfere in any way with the conservation of the water. It is my opinion that we are merely on the fringes of the question of irrigation. We began it only a few years ago in this country. There is no part of the United States that does not furnish enough rainfall, if it is conserved, to make it a very profitable country for farming when they learn how to conserve the water. We are making more rapid advancement along that line now than on any other one question.

I will say, while I am on my feet, although I did not mean to go so far, that the greatest domestic question, perhaps, that will come before Congress in future years is the conservation of the rainfall. We have 19 inches of rain in the edge of Colorado. That is enough there, when it is conserved, to make it a very profitable country.

My own belief is that when attention is attracted to this question still further, as it will be, we shall see all of our arid country blossom as the rose.

Mr. BEVERIDGE. Now, Mr. President, that is an instructive and, I may even say, a poetic speech, in which I note that the Senator makes two rather important statements. The first is incorrect. The second is correct, and I heartily agree with the Senator upon it, and congratulate him upon having made it.

Mr. BURTON. I am glad to know that I got one right.

Mr. BEVERIDGE. Now, let us see whether or not I am correct in making that statement. The Senator has stated that he was speaking here rather as an expert upon the subject of irrigation. He announced to us that he was the president of the first irrigation company that took the waters of the Arkansas or some other river in Kansas.

Mr. BURTON. No; the Senator misunderstood me. It was not the first company.

Mr. BEVERIDGE. Well, some company, no matter whether it was the first or not. I was trying to give the Senator the distinction of being a pioneer in this matter.

Mr. BURTON. No.

Mr. BEVERIDGE. At all events he followed in the footsteps of others, and he followed, according to his own admission, most ably in the footsteps of others.

Now, then, speaking of New Mexico, the Senator says that there are no torrential rains which can not be easily controlled. I call the attention of the Senator to the fact that in the testimony taken by the subcommittee, which is before the Senator, and which, no doubt, he has carefully read, there is a statement concerning the great dam built at enormous expense, with all the appliances of modern improved science, in the Pecos River, having been washed out by just exactly these very torrential floods; and he will further find, if he will read—of course I have had no practical experience upon this point, though I have read with some care the books upon the subject of irrigation——

Mr. BURTON. Will the Senator permit me to interrupt him?

Mr. BEVERIDGE. I will just as soon as I finish this statement.

The Senator will find that the great difficulty with the subject of irrigation is not to get the water out over the land when it has been impounded, but it is to hold these very torrential floods, which the Senator says can always be easily controlled. That is now the very great obstacle that stands in front of each effort of scientists upon the subject of irrigation.

Now I will hear the Senator.

Mr. BURTON. We are all of us interrupting the Senator from New Hampshire [Mr. BURNHAM]. I do not desire to interrupt him, but I will state to the Senator from Indiana that the dam to which he referred as having been destroyed was destroyed because of the fact that the engineers did not take into account the way to prevent the immense floods from hitting it.

Mr. BEVERIDGE. Therefore it is not an easy matter, as the Senator says, is it?

Mr. BURTON. No; it is not an easy matter until it is learned. But you take the flood waters of the Missouri River, the flood waters of the Kaw, or the flood waters of the Arkansas——

Mr. BEVERIDGE. Or of any other river——

Mr. BURTON. Or of any other stream that is swollen by torrential rains, and all you have to do is to find out the greatest of the floods, then dig and build artificial canals enough, and when the floods come lift up one headgate at a time and prevent the flood waters from striking the point where they will do damage.

Mr. BEVERIDGE. How can you tell that?

Mr. BURTON. For instance, it is known now what is the highest flood of the Arkansas and of the Missouri River.

Mr. HOAR. For how many years back?

Mr. BURTON. Perhaps for forty years back.

Mr. HOAR. That will not do.

Mr. BURTON. That is back far enough to make a pretty safe calculation. There is no danger, for instance, from this time on of floods in the Upper Arkansas, because of the ditches that have been built. The headgates would be lifted, the reservoirs being constructed, and the water would be impounded and conserved for agricultural purposes.

I say again that God Almighty sends no torrential rains that mankind is not able to control in order to be conserved for beneficial purposes.

It was thought for a long time, for instance, that we could do something to produce rain; that we could cause precipitation by bombarding the heavens; and Congress passed what was known as the timber-culture law, based upon a fallacy, based upon the idea that the rain belt was traveling west, when, as a matter of fact, there is no part of the world where the rainfall increases or decreases. Man can do nothing to make it rain or to prevent it from raining; he can not increase precipitation nor decrease precipitation, but he can conserve the water after it falls, and that, I believe, will be the great coming question—to conserve the water so as to prevent floods and utilize it for the benefit of man.

Mr. BEVERIDGE. Now, we have heard from the Senator an engaging mixture of science and Divinity.

Mr. SPOONER. Will the Senator permit me to ask him a question?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. I just came into the Chamber and merely want to know whether it is the statehood bill which is under discussion.

Mr. BEVERIDGE. Yes, it is; and in one of its very important aspects, I will say to the Senator. The Senator from New Hampshire [Mr. BURNHAM] had very kindly yielded to me to ask him a question, and then the Senator from Kansas [Mr. BURTON] even more kindly volunteered very interesting and varied information upon this subject, and we are now holding a little colloquy.

Mr. SPOONER. I desire to ask the Senator on what particular proposition is the debate proceeding in its relation to statehood?

Mr. BEVERIDGE. I will try to show the Senator. The Senator from New Hampshire——

Mr. HOAR. If I may make a suggestion, the proposition is the impossibility of restraining the floods, of which both Senators are giving a practical illustration. [Laughter.]

Mr. BEVERIDGE. And several other Senators. Mr. President, if both Senators combined can succeed in a certain kind of irrigation by their efforts, they will have accomplished more than they set out to accomplish.

Now, Mr. President, I want to say with reference to the scientific exposition we have heard from the Senator from Kansas [Mr. BURTON], that if he can accomplish the scientific things he says he can, he can earn a good deal more money as a civil engineer engaged in irrigation construction than he can as a Senator of the United States.

Mr. BURTON. I do not want to interrupt the Senator, but——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. BEVERIDGE. Certainly.

Mr. BURTON. Of course I could earn more money in a great many ways than I can as a Senator of the United States. I did not mean to have the Senator to imagine for a moment that we are getting as much salary as we are entitled to. [Laughter.]

Mr. BEVERIDGE. I admit that.

Mr. BURTON. The first vote I gave after I came here was to increase my salary. [Laughter.]

Mr. BEVERIDGE. But, Mr. President, I could put that in another way, though I do not want to. I could even say that the Senator's efforts, if he could successfully establish as a practical matter what he says here, would be more valuable to the country and to humanity than are his services as a Senator or those of any other Senator here, although I would not underestimate the services of the Senator——

Mr. BURTON. In what way would they be more valuable?

Mr. BEVERIDGE. By conserving the waters to prevent floods; and we are willing to take up such a bill as that if the Senator desires.

I started by saying that the Senator interrupted me, very courteously interrupted me, and in his interesting remarks made two statements, one correct and one incorrect. The incorrect one was that there were no torrential floods which were not easy of control. I venture to say, with even my limited knowledge of the science of irrigation, that the great difficulty that confronts and confounds the best scientific thought in the world upon this subject—for it is a world-wide subject—is just that question of controlling torrential floods. For example, the Committee on Territories, of which I have the honor to be chairman, has reported favorably to this Senate—and we ought to take it up and pass it, too—a bill authorizing Maricopa County, in Arizona—I will not go into the machinery of that bill—to issue certain bonds, if necessary, in order to construct a great impounding dam.

A model of that dam I have seen; it has been built in model and projected for the purpose of being built in reality by some of the ablest civil engineers perhaps that we have in this country: and yet there is in the mind of many of them a serious doubt whether that great work of science can do the very thing which the Senator says is the easiest matter in the world to do. Why, if it were an easy matter to control torrential floods the whole subject of irrigation would be very greatly simplified, and that beautiful day to which the Senator has poetically referred, would be here perhaps with the rising of to-morrow morning's sun. So the Senator, as a matter of fact, is incorrect when he says that it is an easy matter to control torrential rains and torrential floods.

I have in my room many books upon irrigation. Has the Senator read Newell's work and the reports of experiments in Egypt and India?

Mr. BURTON. Yes.

Mr. BEVERIDGE. Then how much would the Senator say that the great Assuan dam in Egypt cost? The Senator is familiar with the subject of irrigation, and as the president of an irrigation company he ought to be, and no doubt he is; so I will ask him how much that dam cost?

Mr. BURTON. I can not answer the question.

Mr. BEVERIDGE. I will answer it for the Senator. That work alone cost $15,000,000 for the one dam for the purposes of irrigation. England has spent $150,000,000 for irrigation in India. There have been dams washed out; one was washed out in the Pecos River, if my recollection serves me aright. I incur no hazard in making the statement, because it is in the evidence, and of course I can be corrected if I am wrong. The great dam on the Pecos River, which was washed out by a torrential flood, cost something over $1,700,000, and I am not sure that it did not cost more than that. Every man who testified before the Senate committee upon the subject, every scientist, every person versed in the literature of irrigation, and every person having had experience on the subject of irrigation, will tell the Senator and the Senate and everybody else that the great difficulty of the question of irrigation is how to control torrential floods.

The Senator no doubt does not refer to torrential floods, because he says they are easily controlled; while it is one of the most serious matters, as I said before, which has puzzled the great engineers in the world. These floods come down suddenly; they come in great volume, and waves sometimes come down a foot and more than a foot high at a time in a narrow gorge, and how to make a dam withstand that enormous onslaught is a serious question. I suppose the Senator did not refer to this, but perhaps he referred to the reservoir system, sometimes called catch-basins.

Mr. SPOONER. I understood the Senator from Kansas to say there would be no more torrential floods.

Mr. BEVERIDGE. I did not hear the Senator say there would be no more torrential floods coming; but I am not surprised if he did say it, because he said the good Lord had fixed it all up, and he knew what the good Lord intended upon that subject. So if the Senator says there are to be no more torrential floods, I am not quite willing to believe the Senator's inspiration upon that point.

Mr. BURTON. I do not know where the Senator got that idea.

Mr. BEVERIDGE. I got it from the Senator from Wisconsin [Mr. SPOONER].

That brings me to another point, and I hope I shall have the attention of the Senator.

Mr. SPOONER. Mr. President, I had no notion to intervene in this debate, but I understood the Senator from Kansas to say that God would not permit any more torrential floods to come which could not be conserved by man, and jocularly I called the attention of the Senator from Indiana to that.

Mr. BURTON (in his seat). If I have a chance after the Senator concludes I shall reply.

The PRESIDENT pro tempore. Senators must rise when they address the Senate.

Mr. BURTON. I beg the President's pardon, but we get in the way here of just speaking a word or two in our seats. I certainly want to be very careful about observing the rules of the Senate. I did not mean to offend. I was, however, simply following the example of the old and experienced Senator from Wisconsin [Mr. SPOONER], who spoke from his seat just before I did.

Mr. BEVERIDGE. So far as I am concerned, I welcome the Senator's interruption, and always when on my feet invite the interruption of any Senator who thinks I am making a misstatement or thinks he can throw light on the subject I am trying to discuss.

The Senator from Kansas said another thing. My mind is brought to it by the query of the Senator from Wisconsin. The Senator from Kansas said, with the moderation which characterizes him, that man could do nothing to increase the rainfall or decrease the rainfall.

The Senator certainly has never been in the timber districts of this country, because if he had been the Senator would know as a matter of practical experience that the destruction of forests seriously affects precipitations, and sometimes very seriously. The Senator shakes his head. There is simply, then, a question of a difference of opinion between us as to the facts, which can only be settled by a reference to the authorities and our own experience. I have had some experience myself on that subject. I have seen streams shrink because the forests had been cut down and there was not a retention of the waters; therefore there was not evaporation of the waters, and therefore there was not the consequent precipitation. If the Senator will consult any of the authorities, he will find that one of the arguments for the preservation of the forests of this country is that not only should the timber be conserved for itself, but because it conserves the rainfall.

So it is true that man can do something to prevent precipitation. The Senator nods his head and then shakes his head. It must be in agreement to my statement, but in denial of my logic.

Now I come to the Senator's remarks, which I think are entirely true, and very seriously and gravely important, and that is that we are only on the fringe of this great question of irrigation. Mr. President, that is true; that is the position of the Committee on Territories. We are on the fringe of it. We do not assert as a body, nor as individuals, that the time will never come when the waters, such as they are down there in those rivers, may not be cut off and distributed for the uses of man. We assert that that has not thus far been successfully accomplished. That is all. When the Senator asserts, and asserts truly, that we are only upon the verge of the great question of irrigation, he states almost with the precision of an epigram the position of the committee.

I say further that when we shall get beyond the fringe of the subject of irrigation, when we shall have accomplished the important work of successfully impounding the waters, of successfully catching and holding flood waters and of controlling torrential floods, and when those waters thus conserved are distributed over lands which, when watered, are fertile, then it may be that those lands down there in those Territories, in which we are interested as much as any other Senators upon this floor, will sustain a population which might entitle them to statehood.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly.

Mr. DUBOIS. Do I understand the Senator from Indiana to say that it has not been demonstrated that the water can be successfully impounded and conserved for use at the proper season?

Mr. BEVERIDGE. No; the Senator does not understand me to say that. The Senator perhaps was not in the Chamber during the course of all our remarks.

Mr. DUBOIS. I heard the last remark, however, when the Senator stated that it had not been demonstrated, and that we were yet on the threshold of the irrigation problem.

Mr. BEVERIDGE. No; that is one sequence of this colloquy, which will show the Senator my exact position. The Senator from Kansas [Mr. BURTON] had said that it was an easy matter to control the torrential floods, and I have taken some issue with the Senator upon that subject, to the effect that that was the great difficulty before engineering science upon this subject.

I then stated further that it was demonstrated by the fact of the washing out of the dam upon the Pecos River, and that there was a bill now before the Senate, which we ought to pass because it is a matter of immediate relief, for the impounding of the waters of Salt River down near Phoenix. I do not say that that has not been accomplished sometimes, but I say that I agree with the statement of the Senator from Kansas, made when the Senator from Idaho was not in the Chamber, that we were only on the edge of this great question of irrigation. That is true. Does the Senator mean to say that a method has now been discovered of successfully impounding the waters of any stream?

Mr. DUBOIS. I state distinctly that there are reservoirs in successful operation which impound the water.

Mr. BEVERIDGE. And I distinctly agree with that statement.

Mr. DUBOIS. There are such now in my State, for instance. There has been no necessity up to within a year or two of impounding the water; but I am quite satisfied, now that the necessity has come, that we can impound it, as has already been done in Colorado and in other places. I think it has been demonstrated beyond any reasonable doubt that the waters can be impounded and conserved and distributed at the proper time.

Mr. BEVERIDGE. May I ask the Senator why it has not been necessary to impound the waters heretofore?

Mr. DUBOIS. Because we had sufficient water for all of the lands which were taken up and being utilized, but now so much land has been taken up that at seasons when water is low there is not sufficient water to go around. By building these reservoirs we can put water into ditches which are already constructed, and at the proper time release the water and furnish the canals already built and others with the proper amount of water.

Mr. BEVERIDGE. That is to say, that the lands susceptible of immediate irrigation have already been occupied; and to enable a heavier population to come impounding now becomes necessary. That might be one reason; or will the Senator also state this as a reason, that there has been within a few years past a shrinkage in the volume of water in the rivers?

Mr. DUBOIS. Not at all. There has been no shrinkage of water.

Mr. BEVERIDGE. Will the Senator state that as an exception?

Mr. DUBOIS. I will state simply, in a few words, that the lands adjacent to streams which may easily be watered have been taken up, and there are now large tracts of land which can only be utilized by impounding, conserving, and distributing properly the water which goes to waste at flood seasons.

Mr. BEVERIDGE. Yes; and the reason that it has not been necessary to impound the water before is the reason the Senator has stated. I should think if that would be satisfactory to those of us who are in opposition, it would be satisfactory to the Senator. I asked the Senator whether or not it was not also on account of the shrinkage in the volume of water in the streams——

Mr. DUBOIS. Not at all.

Mr. BEVERIDGE. And the Senator said it was not. I was surprised at that, because that constitutes an exception, for at Phoenix, for instance, as has been shown by the testimony of Professor Newell, there has been a very serious shrinkage in the volume of the water in the stream, and that there has been a shrinkage in the volume of water in streams elsewhere, even in the Mississippi Valley, is a matter of common observation, and the causes for it are well known.

So it happens, Mr. President, that down there in Arizona and also in portions of New Mexico, which the committee have seen with their own eyes, there is a land over which irrigation ditches exist, and yet where there is not water for them. Down in one of the best ranches near Phoenix, in Arizona, a ranch of almost 400 acres, owned by Mr. Fowler, who made a most impressive argument in favor of statehood down there, and who testified before the committee that he was able this year to irrigate but 40 acres out of nearly 400, and that he was able to do that only by paying taxes on 160 acres of water. So that there was a shrinkage there, and there is shrinkage elsewhere; and I supposed, of course, that the Senator's State was no exception.

Now, I return to what the Senator from Kansas [Mr. BURTON] said, and what I think is profoundly true, that we are on the verge of this great subject. When we get beyond the verge of it, Mr. President, then conditions will be created which will result in the establishment of homes upon lands now incapable of supporting human life. The Senator will not insist that this development has as yet occurred to a great extent in either New Mexico or Arizona.

I am sorry, Mr. President, to occupy so much time, and I beg pardon of the Senator from New Hampshire.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. BEVERIDGE. Certainly.

Mr. BURTON. I will wait until the Senator from Indiana gets through.

Mr. BEVERIDGE. I had not any idea of consuming so much time when I asked the Senator from New Hampshire if I could interrupt him.

Mr. BURNHAM. Mr. President——

Mr. BURTON. Will the Senator from New Hampshire allow me a moment?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. BURNHAM. Certainly.

Mr. BURTON. Mr. President, I did not expect to get into this debate at all, but it struck a question in which I have been deeply interested for years. So I ventured to ask the question that has brought out the statement from the chairman of the committee—and his statement has interested me very much—and I think it my duty especially to correct one statement which the Senator made that has been a popular idea, but is a fallacy.

Mr. BEVERIDGE. I shall be glad to have the Senator do so.

Mr. BURTON. That is, that the rain belt travels in any direction. The time was when we all thought in the West that the rain belt was traveling west. We have long since learned that that is a fallacy. After we had begun our investigations we discovered that the rainfall has neither increased nor decreased in any part of the globe.

The destruction of timber does not increase or decrease precipitation; the growth of timber does not either increase or decrease precipitation. The rain is the parent of the tree; the tree is not the parent of the rain. It is true that a growth of timber will act as a reservoir and conserve water, in a measure, when it falls, but it does not increase the rainfall one drop. Rain is made so high above the timber by the countercurrents of different temperatures of air that timber has nothing to do with it, and it is made so high above the surface that man can not do anything to affect it. Now, let us get that question out of the way.

The great question that confronts us is what shall we do with the water that falls. This country has spent millions upon millions of dollars to build levees on the Lower Mississippi River. When we have thoroughly exhausted this question in a practical way, I think we will never allow the flood waters to go down there at all, but we will build canals higher up and divert the flood waters so as to prevent the destruction down there, for nature made that stream big enough to carry off the water if it is allowed to infiltrate the land and go down in equal part three hundred and sixty-five days in the year. So that the conservation of water is the great coming question for us to try to settle in a practical way.

The Senator from Indiana seemed to get from me the idea that it was an easy and trifling thing to conserve torrential rainfalls.

Mr. BEVERIDGE. The Senator said "easy."

Mr. BURTON. When I said "easy," I used the term in a relative sense. I do not mean by that that it does not take a great deal of work and a great deal of expense.

Mr. BEVERIDGE. When the Senator said "easy," I supposed he meant easy.

Mr. BURTON. Well, if the Senator will allow me to explain exactly what I did mean——

Mr. BEVERIDGE. Certainly.

Mr. BURTON. I mean that it is easy to know the method. We have discovered the method by which we can divert the water of torrential rains as well as the water that comes down slower, so as to catch it. It has cost a great deal of money to learn that. The construction of the dam in the Pecos Valley was an experiment, but that has taught a great many people interested in irrigation that the mistake was made in not going back farther up and building lateral ditches sufficient to prevent that great flow of water to the dam.

Mr. BEVERIDGE. Will the Senator allow me to interrupt him?

Mr. BURTON. Yes, sir.

Mr. BEVERIDGE. Conceding, for the sake of bringing our minds together upon this question, that what the Senator is saying is true—and I hope it is—that a method has been discovered of catching and retaining torrential floods, how long does the Senator say it would take, conceding that method can now be successfully started, to put it in operation so as to irrigate 5,000,000 acres on the streams mentioned—how long?

Mr. BURTON. It is impossible to say; but I will say to the Senator that it will be done very much sooner if New Mexico is admitted as a State than it will if it is left as a Territory.

Mr. BEVERIDGE. Mr. President, I have heard that statehood has produced a great many things, but the Senator certainly will not say that statehood has any effect upon torrential floods.

Mr. BURTON. Certainly, it has this effect, it has an effect upon capital invested there.

Mr. BEVERIDGE. Does not the Senator know that capital invests for profit?

Mr. BURTON. Yes.

Mr. BEVERIDGE. If there is a mine on one side of a State line and another on another side in a Territory, which is richer than the one in the State line, does the Senator mean to say that capital would not go into the second mine, or that there would not be invested money in mines or in anything else in a Territory that would pay dividends?

Mr. BURTON. Yes, but the Senator's examples are hardly fair. What people want to do is to be able to locally control the laws affecting their investments. Every one knows—and I think the Senator will bear me out—that Idaho, for instance, would not have been developed if she had not been a State.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him again?

Mr. BURTON. Certainly.

Mr. BEVERIDGE. Of course I can not bear the Senator out. Oklahoma and Indian Territory prove the reverse. But conceding that we know a method, conceding that this Territory was already a State, conceding both of these things, how long, as a practical irrigator, does the Senator say it would take to establish this irrigation down there?

Mr. BURTON. Oh, the work would go on rapidly.

Mr. BEVERIDGE. Could it be done in five years?

Mr. BURTON. Something would be done each year.

Mr. BEVERIDGE. Could it be done in ten years?

Mr. BURTON. Yes, sir. For instance, the development of Pecos Valley has been within the last five or ten years, and that has required, for instance, the building of 300 miles of railway on the part of the Rock Island road, and there are other surveys going on now through that Territory, based very largely upon the belief that the Territory is going to speedily become a State.

Mr. BEVERIDGE. The Senator can give us information upon this subject. Does the Senator mean to have us understand that the Rock Island Railroad, which runs through the Territory and joins the Southern Pacific at El Paso, ran through there on account of any irrigation development—that that was the purpose of the building of that road?

Mr. BURTON. I do not think the road would have been built at all but for the marvelous development of the Pecos Valley.

Mr. BEVERIDGE. Mr. President——

Mr. BURTON. I do not mean——

Mr. BEVERIDGE. That road does not go through the irrigated district.

Mr. BURTON. Of course it does not go through the Pecos Valley, but it goes through a territory that may be developed similar to that; and right before the eyes of those capitalists was the marvelous development that could be made by the proper expenditure of capital and the encouragement of immigration, as shown by the development in the Pecos Valley.

Mr. BEVERIDGE. And the Senator states, as a man familiar with the building of that railroad down there, that the reason why that line was connected with the trunk line, thus cutting off a great section of country, was because they thought it could be irrigated in the future.

Mr. BURTON. Yes, sir; exactly——

Mr. BEVERIDGE. That that was the reason.

Mr. BURTON. One of the strongest reasons why the railroads are seeking New Mexico is the belief that it is going to be made a State. Everybody thought it was going to be a State without opposition, since both political parties had resolved that it should be.

Mr. BEVERIDGE. There is one railroad which undoubtedly was projected with the view that New Mexico was going to be a State.

Mr. BURTON. Yes; and not only one, but more than one.

Mr. BEVERIDGE. I know of one.

Mr. BURTON. I was talking to some capitalists in St. Louis on my way here this time, and they are to be there this summer with a view of building a line. They expected it would become a State, and naturally, of course, capital wants to go into a State rather than a Territory.

Now excuse me. I beg pardon of the Senator from New Hampshire for precipitating this debate along these lines. I feel that I am to blame for it, but I did not think it would go so far. Hereafter the honorable chairman of the committee and I can perhaps settle some of these questions on the outside.

Mr. BEVERIDGE. Just one word. I hope the Senator from New Hampshire will excuse me for a minute.

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. Because I do not want the Senator from Kansas to give the Senate the impression that I made a statement to this body that the rain belt traveled backward and forward and up and down, or anything of that kind. No, certainly not; and I do not think the Senator will find in the RECORD that I made any such statement. Rain belts are pretty thoroughly established; but of course I could not, as a reader of scientific literature on the subject of precipitation, agree with the Senator that rainfall is the same the world over. I do not think it is true.

Furthermore, I was struck by the beautiful simile of the Senator, that the rain is the parent of the tree and not the tree the parent of the rain. Well, that may be. I think if that is true, however, that the rain is also the parent of the potato and of corn and of alfalfa and other things, and therefore where there is not any rain there are not apt to be very many of rain's nutritious children. Those are the things upon which human beings live, and that is the situation which exists in these Territories. Therefore the Senator has by his apt and poetical illustration put in those few words the whole argument.

Now, about the cutting down of trees affecting rain, the Senator says it does not, but I think I can show him one fact in connection with the destruction or growth of forests which does affect rainfall. For example, here is a vast tract of country on which there is a forest. That forest is cut down, as has occurred on so many mountains and even in so many districts where there are no mountains. As the Senator says, that forest acts as a reservoir, it holds the waters, holds them gradually, the ground is soaked, and also the atmosphere is full of moisture, and therefore there is the formation of local showers. That is a thing, certainly, which is familiar to the Senator.

Mr. BURTON. The Senator from Indiana some time will want to retract those words, because he is mistaken. Hence, I suggest that perhaps we had better adjourn that part of the discussion. It does not affect it so as to create precipitation. It does not come up high enough to do that. For instance, we passed a bill to purchase a large amount of land on the apex of the slopes of the Appalachian range, with which the Senator is familiar, because I inherited it from him. However, it was not because it would increase or decrease the rainfall, but the roots of the trees, and the rain falling upon the leaves and breaking, so as to go down——

Mr. BEVERIDGE. Let it soak in.

Mr. BURTON. It causes the water to be conserved, but it does not increase it. If you measure the rainfall in the Appalachian range it will be found that the condition is just as it has been at Fort Leavenworth, Fort Riley, also at Fort Lyon, at Santa Fe, and at other points for a great many years, and in the valley of Mexico. The same ditches now in the valley of Mexico were there when Cortez took the country. Three hundred and fifty years before the time of Christ the biggest reservoir to impound waters that ever had been built was destroyed.

Mr. BEVERIDGE. So it is not a recent discovery?

Mr. BURTON. Not at all.

Mr. BEVERIDGE. I thought the Senator said it was.

Mr. BURTON. It is only of recent application in this country. You see we have so much land here. However, I will desist.

Mr. BEVERIDGE. Of course, I do not want to make any misstatement about the question of the effect of the cutting down of trees on rainfall. But I have more than my recollection of the books on this subject. There was on the subcommittee on this trip a Senator exceedingly familiar with this whole subject. I remember his very entertaining and informing conversations. It was the senior Senator from Idaho [Mr. HEITFELD] and he described with great force the effect, even in open places, of the building of reservoirs and basins; how long it took for the water to soak in and make the ground hard, so that it would hold the water; how long it took to fill the atmosphere around full of moisture, so that it would not be all absorbed, and then how the effect from that gradually came to be local rains. I do not think I am entirely without information upon this subject. But the Senator from Kansas may be right. I have no doubt that the Senator has studied the question more carefully than I, and of course I thank the Senator for all his information.

Mr. BURNHAM. Mr. President, I desire to add something more as a contribution from the Governor of New Mexico, in his report to the Secretary of the Interior, upon the question which has just now been interesting the Senate. From the last report I quote a further statement:

> But altitude increases aridity by decreasing atmospheric pressure, and thus accelerating evaporation. The elevation of New Mexico averaging about 1 mile above sea level, and reaching in the higher valleys to nearly 2 miles, it can be seen at once that water here most readily gives off its vapor. Especially is this true when taken in connection with the dry condition of the air and the almost ceaseless movements of the winds. The moisture that falls is immediately taken up into the air again. A snow of 2 or 3 inches in depth will pass away in a few hours, leaving the ground dry, having apparently returned into the air instead of melting.
>
> A refeshing shower in a day or two will have disappeared leaving no mud behind. This is why any kind of a cloud is rare, and a day during some part of which the sun does not shine is almost unknown. Then, too, it must be remembered that the general slope of the country is on an average of about 10 feet to a mile, causing water, even in the streams (unless impounded), to run quickly away. For these reasons the humidity of the air in New Mexico averages about 36 per cent, while in New England it is 73 per cent; Florida, 75 per cent; San Francisco, 70 per cent, and the Gulf States, 79 per cent. (Pp. 3, 4.)

It is an undisputed fact that the rainfall in this Territory is not sufficient, except to a very limited extent in the mountain regions, for any kind of farming, and that the agricultural interests are wholly dependent, except in those regions, upon some system of irrigation.

Witness after witness came before the committee and testified to the same fact, both in connection with New Mexico and Arizona, that practically the agricultural interests of both were dependent upon irrigation.

In remote periods canals and ditches were dug and used to distribute water over these arid lands. Evidence of this, as I have before stated, has been discovered in recent attempts at irrigation.

The Indians and Mexicans in later times, in a small and primitive way, have watered their lands when near some river, and the enterprise and ingenuity of Americans has, in recent years, been directed to the construction and operation of the best irrigation works, but the result has not always been encouraging and there seems to be a practical limit beyond which this work can not be carried.

Much depends upon the location and elevation of land and the economy with which a system may be established. Canals can not be successfully used for very long distances from the source of supply. The territory to be covered must necessarily be limited, and in fact to-day, with all the expenditure that has been made, the number of acres under cultivation in the Territory is only 303,438 out of a total of more than 78,000,000.

In this connection I wish to cite, as corroborating the statement made by me a few moments ago, the testimony given before the committee by Mr. C. M. Foraker, to whom I have before referred, that except in the river bottoms there is nothing but grazing land, and that nothing can be raised away from the water.

A serious question is already attracting attention, and that is as to the supply of water from any source.

The Rio Grande is dry for several months in the year from Albuquerque down to El Paso, in Texas. The Delegate from New Mexico stated at a hearing in Albuquerque in November last that for months in every year the Rio Grande opposite that place was entirely dry.

When passing over a long bridge from El Paso to the city of Juarez in Mexico, on our recent visit, I was looking with eager expectation to see the waters of a mighty river, "the Rio Grande," but I looked in vain. The river bed was as dry as the streets of El Paso, and in fact no trace of water was visible. It was used by pedestrians, old and young, instead of the bridge. It has been said that somewhere below the pathway of these travelers the river may be flowing, but if so it has given no sign for many hundred miles and no evidence of that claim was presented to the committee. It is more probable that systems of irrigation in Colorado have taken the water supply of this river and caused its bed during several months of the year, from above Albuquerque to the southern boundary of the Territory, to be as dry as its desert banks.

The Governor of the Territory, in his last report, says:

> This stream—
>
> The Rio Grande—
>
> is the only available source of supply for irrigation water throughout the greater part of the district named, and since that part of the year during which the river is dry is the time when more water is needed for irrigation than at any other season or all other seasons, the disappearing of the stream at that time is peculiarly unfortunate for all the people living in the district named, which is the most thickly settled portion of the Territory. This "summer dry spell," which is now a regular occurrence, is the result of conditions that have grown up during the last twenty-five years, chief among which may be mentioned the denudation of the timber lands of the Colorado mountains, among which the river takes its rise, and the construction of great irrigation canals in the State of Colorado, taking their waters from the stream before it enters this Territory.

Mr. BEVERIDGE. I call the attention of the Senator from Kansas to the last statement read by the Senator from New Hampshire.

Mr. BURTON. What is it?

Mr. BURNHAM. The Governor said:

> This "summer dry spell," which is now a regular occurrence, is the result of conditions that have grown up during the last twenty-five years, chief among which may be mentioned the denudation of the timber lands of the Colorado Mountains, among which the river takes its rise, and the construction of great irrigation canals in the State of Colorado, taking their waters from the stream before it enters this Territory.

He continues:

> Each of these two principal causes, it will readily be seen, exercises a very powerful influence to the end of diminishing the regular summer flow of the stream, and since both occur within the limits of a neighboring State, it is beyond the power of the people of New Mexico to prevent or modify them. (P. 214.)

The Rio Grande and the Pecos are the principal sources of water supply for irrigation. The water of the Pecos is nearly all utilized in the canals between Roswell and Carlsbad. According to the testimony of Mr. Newell, its waters can not be profitably used for a considerable distance as it goes toward the Texas line, on account of the large amount of gypsum which it carries in solution. While used in small quantities gypsum is a fertilizer and helpful to agriculture, but when left upon land to such an amount as is carried by these waters it is highly injurious and destructive to crops. (P. 175.)

Mr. Newell states that he has seen a great many acres of orchard land and hundreds of acres of alfalfa land that had been destroyed by what is locally called the "gyp" deposit. (P. 175.)

The only solution of the question of irrigation must be found in the storage of flood waters or in the digging of wells which reach the underflow wherever it exists.

Reservoirs, it is said, may be constructed in different parts of the Territory, but no system has yet been determined upon as feasible. The prediction is made that they may be built within the next generation or century. Experiments have been made to secure a supply of water from the underflow by wells and the use of pumps, but these have not always been successful. A plant was installed about 7 miles south of Albuquerque last winter as an advertisement for a company interested in such work, but the Governor of the Territory, in the report referred to, makes this statement:

> It throws a fine stream of water, ample to fully demonstrate the abundance of the supply, and sufficient to irrigate 2 or 3 acres by direct application, but to be of any practical value this water would have to be stored in a reservoir from which it could be led on to the land in a much larger volume than could be discharged from any pump that could be put up at a cost within the reach of men of moderate means. The plant here referred to, with its pump, pipes, steam engine, and air compressor, cost, according the figures of the proprietor, $5,000, a sum which takes it entirely out of the list of feasible appliances for solving the irrigation problem.
>
> The valley lands of this Territory are so porous that a stream of water such as can be thrown by any pump of moderate dimensions is absorbed within the space of a few square rods, and, instead of spreading itself over the field, continues to go downward till it meets the permanent water, which is only a few feet below the surface; and, in order to irrigate a tract as large as an ordinary field, it is necessary to turn on the water in such a large volume that it will force its way over the ground before the earth has time to absorb much of it, or otherwise a small part of the area to be irrigated will get too much water and the remainder little or none.
>
> Such a pumping plant as the one here referred to, if kept running constantly during the fall, winter, and early spring, and discharging into a reservoir, would be able to store up a supply sufficient to enable it to irrigate 500 to 1,000 acres or more during the summer; but the construction of such a reservoir would cost a sum of money that would put it entirely beyond the reach of any community of home builders on the public domain. (P. 216.)

The great difficulties in the way of the successful pursuit of agriculture have not as yet been overcome. The result is problematic. The growth of New Mexico, depending largely upon that industry, can not be assured until future experiments have demonstrated with certainty the practical use of extensive systems of irrigation.

Great attention has been given to this subject for many years, but the results can not be entirely satisfactory to those who are

especially interested in the future progress and development of this Territory.

Stock raising, which has been and is an important industry, depends upon a supply of water. While passing through the country in November last the committee found what appeared to be the beds of rivers and streams entirely dry. In some places, as at Las Cruces, the canals and ditches carried no water, but were as dry as the surrounding country.

The evidence before the committee has been conclusive in establishing the fact that cattle must be kept within 5 miles of some source of water supply. The area for grazing must for this reason be greatly limited. Surely the Rio Grande, the largest river in New Mexico, during the summer months, from above Albuquerque south to the boundary line, could furnish no water for grazing purposes, and this must be true in a large measure of other streams and rivers.

I desire to call attention now to the testimony of Mr. Newell before the committee and to read a part of his statement in order that the views of a scientist who has been intimately acquainted with this Territory since 1888 and has given great attention to this subject may be accurately presented (P. 173 *et seq.*):

The CHAIRMAN. Will you state to the committee, in your own way, the situation in the Territory of New Mexico with reference to the question of aridity?

Mr. NEWELL. The Territory is well within the arid region, and agriculture there is dependent almost entirely upon the artificial application of water.

The CHAIRMAN. By the artificial application of water you mean irrigation?

Mr. NEWELL. Yes, sir; irrigation. The principal source of supply is the Rio Grande and its largest tributary, the Pecos River. The United States Geological Survey has been measuring the flow of the Rio Grande where it enters New Mexico, and at various points along its course. We have also measured some of its tributaries, and have measured where it leaves the Territory to form the boundary line between Texas and the Republic of Mexico. We have been making studies of the extent to which that water can be used for irrigation purposes in the future.

The CHAIRMAN. Will you state to the committee the extent to which that water is used at present?

Mr. NEWELL. The usual summer supply is entirely employed, and there is now a considerable acreage under cultivation for which there is not a sufficient supply of water in all seasons. The spring flow—the floods—in large part go to waste, and water storage is absolutely essential to the future development of the Territory.

LITTLE OR NO WATER STORAGE.

The CHAIRMAN. Does water storage at present exist there?

Mr. NEWELL. There is very little, if any, water storage. There is some on a few of the tributaries of the Rio Grande.

The CHAIRMAN. What would you say about the sufficiency or insufficiency of the water in the Rio Grande for irrigation purposes by means of canals? I will state that the committee, on its recent trip, went along for a considerable distance and observed an absence of water there. That is the reason I ask the question.

Mr. NEWELL. There are very few canals of any considerable size on the Rio Grande. Most of them are small ditches built by the Indians or Mexicans, and the supply is not sufficient for all the irrigated lands in the latter part of the crop season. The river is frequently dry from the international boundary north. That is the normal condition of the Territory. The future development of the region rests upon the feasibility of constructing reservoirs along the Rio Grande, and especially in the northern part of the Territory. There are also several projects for water storage in the southern portions of the Territory, and their feasibility will be determined by the regularity of the spring floods.

In this connection I desire to call attention to certain affidavits that have been filed, presented here and read, in which statements are made that the Rio Grande opposite Albuquerque has never been dry except in two or three instances, and that above that point there is water. This is a manifest attempt to discredit the statement of Mr. Newell. For the purpose of corroborating his testimony—although it needs no support, the character of the man being sufficient to give credit to his testimony anywhere—I desire to read certain statements. One of them was made before the committee at Albuquerque by the Delegate from the Territory, in these words:

Colorado has taken so much of the water north of us that the river is dry many months of the year right opposite the room in which you sit. The irrigation bill is the greatest law that was ever passed for the West since the homestead law was passed. (P. 89.)

At another time the same Delegate, now representing the Territory, in making a statement before the committee prior to its visit to the Territory, said:

Time went on. After a while Colorado began to use a great deal of water, and it began to grow less. Timber was taken off in Colorado and northern New Mexico, and the water flowed away so rapidly that clear from central New Mexico to the mouth of the Concho, where it comes in from old Mexico, for many months of the year there is not a drop of water on the surface of the Rio Grande as you see it on the maps. (P. 376.)

Again I want to read from the last report of the Governor of New Mexico:

From the southern boundary of New Mexico up to a point about 30 miles north of Albuquerque the water of the Rio Grande now regularly disappears every summer, and for at least two months the bed of the stream is absolutely dry except in years of unusual rainfall. This stream is the only available source of supply for irrigation water throughout the greater part of the district named. (P. 214.)

The Chairman put this question to Mr. Newell:

Is that a matter of certainty, or is it problematical and experimental?

Mr. NEWELL. That is a matter which we are to determine by the surveys now in progress. We believe it possible to construct reservoirs at different parts of the Territory and think they will be built within the next century or generation. But no one system has yet been determined upon as feasible.

The CHAIRMAN. That is as far as you have gotten?

Mr. NEWELL. Yes, sir.

I desire to call attention to this fact stated by a scientist, by one who certainly—from his experience, beginning back in 1888—must be acquainted with the Territory and whose special business and object it has been to determine the conditions of the Territory in this particular matter. When he says this and can give no further encouragement it seems to me to be an important consideration:

We believe it possible to construct reservoirs at different parts of the Territory, and think they will be built within the next century or generation. But no one system has yet been determined upon as feasible.

It is true, as I infer somewhat from the discussion of a few moments ago, that we, so far as this country is concerned, are only beginning to work out the problems of irrigation and the storage of waters, and it will take time, long experience, and a vast expenditure of money before any system will be developed that will prove feasible.

The Chairman further questioned Mr. Newell:

The CHAIRMAN. You speak about the river being dry. The committee observed at El Paso, Tex., that the river was entirely dry and dusty, and people were walking across its bed instead of across the bridge.

Mr. NEWELL. That is the normal condition during the summer season.

The CHAIRMAN. I believe you said the other portion of the Territory where there was water was the Pecos, did you not?

Mr. NEWELL. The Pecos is the principal stream of eastern New Mexico.

The CHAIRMAN. Will you state the supply of that stream, and the availability of its water for irrigation, the character of the water, and other scientific facts which will enlighten the committee?

Mr. NEWELL. The Pecos drains an area of what is generally known as red beds, in which there is a good deal of gypsum, which is easily soluble in river water. The river itself is controlled by storage reservoirs. There is one at Lake McMillan, about 12 miles above Roswell, and a secondary one at Lake Avalon, nearer Roswell. Below that it receives water from springs, from the Hondo and a number of other rivers, and the flow is increased. It is nearly all utilized in the canals between Roswell and Carlsbad. Below Carlsbad little water is taken from the river usually, the portion utilized being that taken out by the canals at Pecos City, south of the Territorial line in Texas. The water, as it goes toward the Texas line, is heavily charged with gypsum, which is taken in solution from the soil through which the water flows. The storage capacity on Pecos River and the tributaries can doubtless be increased somewhat, but as to how much it can be increased no one knows at present.

GYPSUM IN THE PECOS.

The CHAIRMAN. You speak of gypsum. Please state to the committee what its effect is—whether it is a fertilizer or the reverse. What effect does gypsum have upon the soil over which it is distributed by the flow of the Pecos River?

Mr. NEWELL. Gypsum is frequently known as a land plaster and is used in the East as a fertilizer. It is beneficial up to a certain point, but above that point it becomes destructive to crops. The soils of Pecos Valley contain the gypsum in small quantities. As it increases in percentage it becomes concentrated and injurious. I have seen in the past month a great many acres of orchard land and hundreds of acres of alfalfa land that had been destroyed by what is locally called the "gyp" deposit.

The CHAIRMAN. You have entered generally into the two tracts where there is a possibility of irrigation from streams. I will ask you to state to the committee whether there is any possibility of agriculture in any other portion of the Territory on account of the lack of water.

MORE AGRICULTURE POSSIBLE.

Mr. NEWELL. The extreme northwestern portion along the San Juan River has a fairly good water supply, and there they raise, near Farmington, very valuable fruits; but the area of agricultural land is restricted. Outside of that area and a few other localities where springs and streams exist agriculture is impossible.

The CHAIRMAN. Here is a map of New Mexico [indicating] which has upon it black areas, dotted areas, and white areas. Is that map prepared by your department?

That is a map which has been before the committee and has been before Senators, and I think all are familiar with it.

Mr. NEWELL. This map is one of a series prepared in the office of the United States Geological Survey from the records of the Land Office. It shows in black the lands which have passed out of the ownership of the Government into the ownership of corporations or individuals.

MEXICAN LAND GRANTS.

The CHAIRMAN. What was done under the Mexican land grants?

Mr. NEWELL. Most of the large, black, patches on the New Mexico map indicate the area and location of the Mexican land grants, confirmed by treaty with Mexico. The smaller dots on the map represent homestead and other entries made under the existing land laws. The checkerboard pattern in the central part of the Territory represents the alternate sections of land donated to the railroads. The white is the land still in the ownership of the National Government and subject to disposal under existing laws.

The CHAIRMAN. First, taking the black areas, I will ask you whether or not those black areas include all irrigable land, or all land which will support either human or animal life?

Mr. NEWELL. They include practically all of the agricultural land to which water can readily be brought. There is in New Mexico probably no area in the ownership of the United States on which a man can now make a living, except by cattle raising.

I desire to call attention at this moment to what may not have been observed, perhaps, by some Senators. The Chairman made another inquiry, which I will read:

The CHAIRMAN. The black areas include all such lands, but are the entire portions of the black areas such lands as you have described, or is there a portion of them that is of value?

Mr. NEWELL. Considerable portions of the black—areas, that is, the land grants—are nonirrigable and perfectly arid. The lands are valuable mainly for timber and grazing, but not for agriculture.

The CHAIRMAN. What is the fact about the white areas—shown on the map—which are subject now to further entry and occupation, as to whether they are capable of supporting any industry or any population?

PORTIONS CAN NOT BE FURTHER DEVELOPED.

Mr. NEWELL. The vacant public lands, shown in white, can not support any industry beyond grazing, excepting in the timbered portions. Some timber lands belong to the Government still, but the remaining area is composed of grazing lands and is not capable of further development.

The CHAIRMAN. With reference to grazing lands. A great deal of testimony was given before the committee to the effect that grazing was possible for cattle up to a limit of 5 miles on either side of a water course or water hole. In this white area on this map it does not appear that there are any streams or water courses. Is that the case?

Mr. NEWELL. The grazing there will support a cow to 10, 20, or 30 acres, provided water can be had within a radius of about 5 miles. That is a fair journey for a cow.

The CHAIRMAN. You have already described the available water sources of the Territory in answer to former questions?

Mr. NEWELL. Yes.

The CHAIRMAN. You spoke about the timber tracts. What is the fact about the timber tracts having been largely, or somewhat, at least, taken up by grants to institutions or otherwise?

Mr. NEWELL. The timber areas are rapidly being entered upon under the existing laws, and particularly through the laws granting lands to the Territory for certain institutions, and for the improvement of the Rio Grande.

PROPORTION OF IRRIGATED AREA.

The CHAIRMAN. A question is suggested to me, which seems to be very pertinent. You have described the limit of the irrigation area. Could you roughly state the proportion that that irrigation area bears to the whole area of the Territory?

Mr. NEWELL. I do not recall the exact figures. They are published in a report prepared for the Twelfth Census. It is my impression that about one-fourth of 1 per cent of the area of the Territory is irrigated.

The total area of this Territory is 78,374,400 acres. If I read the census of 1900 aright, the total improved acreage after centuries of occupation is only 303,438; and the total that is irrigated to-day, after all the efforts of our active, enterprising Americans and those who preceded them, is only 203,893, out of a total of more than 78,000,000 acres. And when we come to reckon the per cent we find that it is only .26 of 1 per cent of the total area that is now irrigated.

Another Senator inquired:

That is the percentage that is irrigated?

Mr. NEWELL. Yes, sir.

Senator NELSON. Let me ask this: They have practically irrigated all that it is possible to irrigate under present conditions?

The answer from Mr. Newell, an unprejudiced witness, intelligent, as everyone knows, was:

Yes, sir; without water storage.

Senator NELSON. Without storage?

Mr. NEWELL. Yes.

By Mr. Newell's testimony we are strongly impressed with the fact that there is some doubt as to any considerable progress hereafter in New Mexico along agricultural lines. Water must be found that does not now appear in the beds of streams or rivers, or by the outlay of large amounts reservoirs must be built to hold the water that comes from the uncertain quantity of melted snow in the mountains and from the exceedingly variable rainfall. The tendency, from causes already stated, is toward a lessening supply of water. Droughts have been more severe than ever before during the past few years.

In her present condition New Mexico is not prepared for statehood. Let her future progress be established by something more than an unreliable prediction before this privilege is granted her!

ARGUMENTS OF THE FRIENDS OF STATEHOOD.

But her advocates say that a Territorial condition is no longer endurable, that she is suffering from the denial of her statehood claim, and that if she could only become a State her progress and prosperity would be assured.

Does the fact of her being a Territory materially affect the growth of her population?

Oklahoma, not yet a State and only since May 2, 1890, possessed of a Territorial government, had, by the census of 1900, 398,245 inhabitants. What brought within her borders this marvelous number of people? Her growth between the census of 1890 and 1900 was 336,411.

The comparative increase in population of other Territories ten years before and ten years after they became States, although not exactly ascertained from the census, does not indicate that a Territorial government is a bar to such increase.

I call attention to the growth in population of the seven States last admitted into the Union.

South Dakota, admitted November 2, 1889, a few months before the census of 1890, had in 1880 a population of 98,268; in 1890, 328,808, a gain of 230,540; in 1900, 401,570, a gain of 72,762—a much larger gain during the ten years before her admission than during the ten years after, taking into account, as we should, the six months that intervened between the date of admission and taking of the census.

North Dakota, admitted on the same day, had in 1880 a population of 36,909; in 1890, 182,719, a gain of 145,810; in 1900, 319,146, a gain of 136,427.

Montana, admitted November 8, 1889, had in 1880 a population of 39,159; in 1890, 132,159, a gain of 93,000; in 1900, 243,329, a gain of 111,170.

Washington, admitted November 11, 1889, had in 1880 a population of 75,116; in 1890, 349,390, a gain of 274,274; in 1900, 518,103, a gain of 168,713.

Idaho, admittted July 3, 1890, had in 1880 a population of 32,610; in 1890, 84,385, a gain of 51,775; in 1900, 161,772, a gain of 77,387.

Wyoming, admitted July 10, 1890, had in 1880 a population of 20,789; in 1890, 60,705, a gain of 39,916; in 1900, 92,531, a gain of 31,826.

Utah, admitted January 4, 1896, had in 1880 a population of 143,963; in 1890, 207,905, a gain of 63,942; in 1900, 276,749, a gain of 68,844.

The Indian Territory, with not even a Territorial form of government, had by the last census a population of 392,060.

It certainly can not be true that the fact of its being a Territory barred out population. If the figures which have been given out by enthusiastic friends of statehood are correct, then assuredly, although she is a Territory, people from other States have been pouring in there in vast numbers.

It seems more reasonable to believe that men and women who seek to change their homes and to better their condition by engaging in agricultural pursuits in a new country would find a stronger inducement and a greater attraction in a land where the soil is fertile, where the rain falls in abundance, where the crops are assured, and the climate desirable than they would in the fact that the government is State rather than Territorial.

The positive evidence of that fact is found in the development of Oklahoma and the Indian Territory and in the comparative statement which has just been given.

Another complaint is that capital can not be induced to enter the Territory at a low rate of interest because of its form of government.

But it seems that when new bonds have been issued there, it has been possible to secure money at 4 per cent, while in Oklahoma it is said that only low rates of interest are paid, and that investment companies regard her bonds and other securities as among the most desirable in the whole country.

It is not probable that investors would refuse to transact business and make their loans from the single fact that the borrowers and the property are within the borders of a Territory.

Capital, as has been often said, is invested not because of sentiment, but on account of good security, and whenever the cities, districts, or citizens of New Mexico shall furnish the necessary and required security, I can not believe there will be wanting those who will gladly invest, at a reasonable interest and without inquiry as to her being a Territory or a State.

Another complaint has been alleged, relating to the matter of taxation. This is not well founded. From the date of the first session of her legislative assembly, which was convened at Santa Fe, June 2, 1851, all her laws, under which taxes have been levied, have been enacted by her own representatives in the Territorial council and house.

If these laws have not been satisfactory, or have failed because unjust, or for want of enforcement, or if assessments and collection have not been properly made, the fault is with her own people, and the remedy is not through statehood.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. The query occurs to my mind at this point. How would the defect of nonassessment, or low assessment, and imperfect taxation, all of which is now the condition under Territorial government itself, be remedied by statehood. It would still be a subject for their legislature exactly as it is now?

Mr. BURNHAM. That question is a reasonable one. It certainly can not be that statehood, as I suggested, offers the slightest remedy, whatever may be said in regard to taxation.

Not a law has been set aside by Congress that any citizen to-day, so far as we have ascertained, would ask to have retained on their statute books. It is true that all Territories, including their cities, towns, and districts, have been required to keep their indebtedness within the limit prescribed by the Harrison Act, but that is universally conceded to have been a wise and salutary measure.

The privilege of statehood could give this Territory no greater control over the means and methods of taxation than it has to-day.

One objection to the present status is that the judges in the Territory are not elected by the people.

In some States judges are appointed by the Governor, and their term of office continues for life, until they are removed for cause, or until an age limit terminates their tenure. Federal judges are, as everyone knows, appointed by the President.

An elective judiciary is subject to all the changes of party politics and is sometimes dependent upon the powerful influence of capital or the favor of large associations. The integrity of

courts ought never to be open to suspicion and distrust, and the system of appointment of Territorial judges by the President removes the office from local influences and has in it much that is commendable.

At all events, no sufficient ground for complaint has ever been found. Their judges are appointed, as a rule, only from among their own people and for a term of four years. They are and have been men of incorruptible integrity, of distinguished ability, and worthy of their high office. Would an elective judiciary have given better courts or a more satisfactory administration of justice? If not, then surely there is no ground for complaint.

It is true that the Territorial Governors are not elected by the people, but receive their appointment from the President. In former times, when these men were selected from outside the Territories, there was just cause for complaint, but in later years, with hardly an exception, some one of their own citizens has held this high office.

We met these Governors, and our belief is that no convention could have nominated and no party elected more intelligent, more capable, or more honorable men than those whom the President has named.

The General Government has not been unfair or ungenerous to this people. New Mexico's claims to statehood have not been granted, it is true, but her own Governor in his last report stated that "prior to the advent of the railroads and the introduction and maintenance of the public school system it is an admitted fact that New Mexico was not prepared for statehood." (P. 21.)

Railroads were not extensively built in the Territory until after 1880, and no thoroughly complete and satisfactory school system was established until 1891. Not yet have the results of that school system brought her people up to that standard of education reasonably required for statehood.

It is a fact of universal knowledge that the Southwest is a land of sunshine. Perhaps nowhere else can be seen so many cloudless days. Here many who have suffered from wasting diseases have found health and strength, with happiness and a new lease of life.

But, unfortunately, clouds are needed and rain must fall if the land is to respond in the most generous and beneficial way to the labors of the husbandman.

This is an imperial domain. It is an empire in itself. Its long distances surprise the traveler, and its mountain scenery, so grand and impressive, excites in the visitor a feeling of wonder and admiration.

But area, unnumbered acres, and the grandest mountains do not constitute a State or give the certain promise of a successful people; nor does the sunshine, although it makes every day throughout the year bright and beautiful, lay the foundations upon which can rest the structure of a new and prosperous State.

[At this point Mr. BURNHAM yielded the floor for the day.]

Thursday, January 22, 1903.

Mr. BURNHAM. Mr. President, I desire now to proceed with what I have to say in regard to the admission of New Mexico. While people of Spanish-Mexican descent would have the power numerically to control the new State if New Mexico were now admitted, they might not exercise that power; but the question is whether it is wise or desirable at this time to entrust the sustaining and upbuilding of a State to the people of a Territory that may be under the domination of an alien race.

Mr. Thomas Hughes, a gentleman of exceptional attainments and ability, who has been in the Territory since 1881, the publisher of a leading newspaper, and thoroughly familiar with the conditions and the people of New Mexico, in the course of his advocacy of statehood before the committee said, speaking of the Mexicans:

> They are a quiet, peaceable people. You must remember that up to 1865 the peons of this Territory, which was possibly two-thirds of the population, were practically slaves.

I call attention to this because it is the statement of a man who has lived there many years and is thorougly familiar with the Territory, certainly unprejudiced in making such a statement. He says that no longer ago than 1865 two-thirds of the population of this Territory were peons and were practically slaves. Continuing, he stated:

> Lincoln's emancipation proclamation emancipated them. We have two or three hundred of them here working in the railroad shops. They are faithful workers. Forty or fifty of them are working in the woolen mills. They are not energetic. They do not care about getting rich, like Americans. They are perfectly willing to let things go easy. They never suggest anything in the legislative assembly. They are perfectly willing to let anything go through. If you get a bill through and the next session you want to amend it they say nothing, but go ahead and vote for the amendment. (P. 64.)

While these men might be very convenient to politicians under some circumstances, yet certainly, if they were under bad leadership, it would be most unfortunate for that Territory and unfortunate for the State if it became such.

So, then, it is indeed of consequence to consider the statement of this man, who says that there are members of the legislature of that race who are apparently indifferent to legislative matters. They go into the legislature and they vote apparently as someone directs.

Right here I recall a statement which was published, but for the truth of which I can not vouch. It was to the effect that in one of their legislative assemblies an American preceding a Mexican was voting viva voce for a certain candidate. Not caring to express himself by vote for this man or that man, he said, "I vote for Mr. Blank," whereupon the Mexican legislator, wishing to vote for the American's candidate, said, "I vote for Mr. Blank."

Further along in his testimony Mr. Hughes said:

> I can carry this county on any proposition by 3,600 majority.

This is in Bernalillo County, where the Mexicans hold the balance of power.

The singular statement is made by this intelligent man and great newspaper publisher that on any proposition, it mattered not what it might be, whether reasonable or unreasonable, patriotic or unpatriotic, he could carry that county by 3,600 majority.

This is the class of people constituting to-day a majority in the Territory upon which Congress is asked to confer the privilege and honor of American statehood.

It has been said that we have by immigration each year a very large number of foreigners. They come from southern Italy, they come from Austria, and they come from other parts of Europe, and it has been said that they are undesirable as additions to this great country, that they are illiterates, and possibly some of them criminals; and it was further said by an advocate of statehood that this great country absorbs them all and suffers no harm from this addition. But we understand that this large number is scattered over the land; although it is larger, perhaps, in the Atlantic States and in our great cities. Whatever may be the number of those who come to us from abroad, they are scattered, but here in this Territory is a compact alien race with but little knowledge of our Government, our laws, or our institutions.

Mr. QUARLES. Mr. President, if the Senator will permit an interruption——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. BURNHAM. Certainly.

Mr. QUARLES. I notice in the testimony taken by your committee the testimony of a Mexican who spoke about a custom which obtained in New Mexico, which is quite similar to the statement just made by the Senator from New Hampshire. He spoke of the Mexican population in the case of a popular election following an emblem, being utterly unable to understand the ticket. I did not know but the Senator, being a member of the committee which visited that country, could inform the Senate a little more particularly as to what is the meaning of that expression. It was new to me. Perhaps the Senator can furnish us that information.

Mr. BURNHAM. I am very glad of the interruption and the suggestion. The testimony was that of the witness, Martinez Amador, who has been named before in this discussion. He said that Mexicans there, even when using a Spanish ballot, would vote this way or that on account of some emblem, some distinctive mark, upon the ballot; in other words, looking at the ballot, though they could not read a word upon it, they could see some sort of a picture, some sort of a sign; and by that sign they cast their vote.

Mr. President, if I understood the testimony of the witness correctly, that is not an uncommon instance, but it very often occurs among the people whom he describes as so unfortunately ignorant.

Mr. HANSBROUGH. Mr. President, in connection with what the Senator from New Hampshire has stated in respect to the methods which prevail in regard to elections in New Mexico, I have in my possession here a letter, which, I think, is quite interesting, and, if the Senator will allow me, I shall ask that it be read at the desk. It is only a page and a half of typewriting.

Mr. BURNHAM. Certainly.

Mr. HANSBROUGH. It refers also to Martinez Amador, who, I think, is the star witness for those who are opposing statehood.

Mr. BURNHAM. I shall be very glad to hear from the witness—the more the better.

The PRESIDENT pro tempore. In the absence of objection, the letter referred to by the Senator from North Dakota will be read.

The Secretary read as follows:

OFFICE OF RIO GRANDE REPUBLICAN,
ALLEN J. PAPEN, EDITOR AND PUBLISHER,
Las Cruces, N. Mex., December 25, 1902.

Hon. BERNARD S. RODEY, *Washington, D. C.*

DEAR FRIEND: I have received a copy of the new statehood bill, No. 36. I have read over the testimony of those who testified before the committee when they were here and find that one Martin Amador (they have it Martinez

Amador in the report) voluntarily appeared and presented a rather vicious indictment against our native people.

Now, Martin Amador is one of our old cranks here to whom no one pays any attention. I have heard him called the "Las Cruces anarchist" and also "the town fool."

Between twenty and thirty years ago he was a freighter from here to northern New Mexico, Colorado, and Kansas, and while in that business accumulated quite a little property here, and of late years he lived from the income of his little ranches and a small livery business. He does not keep up his property, and is always opposed to any improvements in the town. He is against railroads, incorporation of towns, or anything that might raise his taxes a little. He was even opposed to the building or irrigation enterprises, his excuse being that in a few years corporations would own all the land. Not long ago, in giving his reasons for being opposed to statehood, he said: "I am against statehood, because if we get statehood our taxes will be 7 per cent. I know, because when I freighted to Colorado and Kansas taxes in those States were 7 per cent." I see the report says he voluntarily appeared. After the committee had gone he told Martin Lohman that he had been summoned before them, having received a letter from them six days before they came. He explained that they had secured his name from the Post-Office Department, he being also a mail carrier. That same evening, in a saloon, he told Isidoro Armijo, probate clerk, that he had given statehood hell; that he did not care if he was the only man here against statehood; he would do all he could to defeat it.

Now that his evidence is here in black and white, he denies that he ever made such statements. In speaking about it to me he said: "If they say that I said that most of the Mexicans were ignorant, that they voted by the emblem, and that they did not understand what statehood meant, they reported me wrong. I said some of them were that way, but not many."

The native people are all up in arms against him and threaten to hold indignation meetings.

Now, Amador's statement reminds me of some things I saw at the polls on our last election day. I was standing near the polls watching some of the workers work for their ticket. I saw one hand a native from the country a ticket that was pasted over, telling him that was a Democratic ticket. The native took it, looked at it, and said, "It has the rooster at the head, but that is about all," and turning to several near him, continued, "Look here; see how they are fixing tickets."

I do not know whether others tried to vote the same ticket, but I do know that none of them were voted. I saw another who had a crowd around him, each side wanting him to vote for their men. He took one of each of the tickets in the field, walked to the polls, and voted one of them. No one knew how he voted, but I am sure he knew how he voted. I also saw Martin Amador vote that afternoon. He came to the polls, walked up to Surveyor-General Llewellyn, handed him a citizens' ticket, and asked him to fix it for him. Llewellyn put on pasters as directed, folded it, and handed it to Amador. Amador walked to the polls with the folded ticket in his hand. Morgan Llewellyn turned to me and said, "Look! That old fool would have voted a straight ticket if I had given it to him. He never looked at the ticket I gave him." While we were talking Amador reached the polling place, and just as he was about to deposit his ballot he stopped, turned, opened up the ticket, glanced at it, refolded it, and handed it in.

Yours, truly, ALLEN J. PAPEN.

Mr. BURNHAM. May I inquire if the gentleman who wrote that letter is an acquaintance of the Senator?

Mr. HANSBROUGH. I understand the author of the letter is one of the most prominent editors in the Territory of New Mexico. I offered the letter because it was written by an editor, as I have a great deal of confidence in the opinions of editors. They usually are very intelligent men.

Mr. QUARLES. Will the Senator from New Hampshire kindly yield to me for a moment?

Mr. BURNHAM. Certainly.

Mr. QUARLES. I am very thankful, I will state, to my distinguished friend, the Senator from North Dakota, because by means of the introduction of his letter he has answered my question. It appears that in this case the emblem was a game cock, the most appropriate one, perhaps, for that locality; and the letter is much more specific in its information than what I was able to gather from the distinguished Senator who now has the floor.

Mr. GALLINGER. It was the Democratic ticket.

Mr. QUARLES. It does not say that.

Mr. GALLINGER. Yes; it does.

Mr. HANSBROUGH. The letter shows that the ticket which had the game cock printed on it was discovered by the party who received it to be a ticket that he did not desire to vote. The essential part of the letter is that Martinez Amador, the star witness here, himself voted the ticket which was handed to him, evidently not caring anything about what the ticket stood for, but rather basing his action upon the wishes of the man who handed it to him.

Mr. QUARLES. I think, if I may be permitted to make just one suggestion, that the Senator from North Dakota will agree with me that some of the answers made by this man Amador, if that is his name, would not tend to impeach him, but would rather indicate that he was a man of a great deal of intelligence. Some of his answers there were certainly dictated by very great intelligence, if I understood them.

Mr. BURNHAM. We had, as a committee of course, the opportunity of seeing this man and hearing him talk, and he made the impression upon the whole committee, I think, that he was a man sincere, honest, and informed as to the conditions that surrounded him. Beyond that, there happened to be right by the meeting place of the committee a man who came from my city, Manchester, N. H., a physician, who had gone to Las Cruces for his health, had been there for some years, and was acquainted with Martinez Amador. For the purpose of ascertaining about the man I inquired what his standing was in the community, and I inquired whether he was a man who had the means of knowledge, the opportunities of knowing the conditions and surroundings there, and further than that, whether he was a man whose statements could be relied upon. In all instances I received a favorable answer. So this man has been commended by one whom I personally know, and I should be inclined to think what he has said is to be relied upon.

Those who urge upon Congress this legislation claim, as appears in the report upon the pending bill submitted by the Senator from Pennsylvania, that—

> The faith of the nation was plighted to the people of that Territory at the time of its original occupancy by the troops of the United States, when Kearney, without opposition, occupied Santa Fe in 1846.

The report says:

> He proclaimed that "It was the wish and intention of the United States to provide the people of New Mexico with a free government, with the least possible delay, similar to those in the United States." (Pp. 18, 19.)

In order that we may understand what promise was made in the proclamation of General Kearny, I wish to quote from Bancroft's History of the Pacific States, where that proclamation is given in full. The exact words relating to this subject are these:

> It is the wish and intention of the United States to provide for New Mexico a free government, with the least possible delay, similar to those in the United States, and the people of New Mexico will then be called on to exercise the rights of free men in electing their own representatives to the Territorial legislature. (P. 418.)

I call attention to the words omitted in the report referred to:

> And the people of New Mexico will then be called on to exercise the rights of free men in electing their own representatives to the Territorial legislature.

The free government referred to is a Territorial government, and their representatives are to be elected to a Territorial legislature.

But if any doubt exists as to the true meaning of this proclamation, or if anyone should claim that it contained an implied promise of statehood, we would refer to the instructions given to General Kearny, June 3, 1846, by the Secretary of War, William L. Marcy. I quote the language of his instructions, so far as relates to this question:

> You may assure the people of these provinces that it is the wish and design of the United States to provide for them a free government with the least possible delay, similar to that which exists in our Territories. They will then be called upon to exercise the rights of free men in electing their own representatives to the Territorial legislature. (P. 425.)

If General Kearny obeyed the instructions thus conveyed to him, he could have promised only a government similar to that which exists in our Territories. If he did not obey his instructions, then he was acting without authority and his promises could have no legal or moral force and could be in no sense binding upon this Government.

Again, it is claimed that Congress is bound to admit this Territory because of the ninth article of the treaty of Guadalupe-Hidalgo, concluded February 2, 1848. I shall read that article:

> The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

I have failed to find in the reading of the article anything which suggests what has been claimed by those who are the advocates of the omnibus statehood bill. There is nothing here with reference to a reasonable time; nothing here by which you can infer that it means in the near future. It is simply this: "At a proper time, to be judged of by the Congress of the United States."

It would seem unnecessary to call attention to the words used in this article and their obvious meaning.

Is it not plain that Congress is to be the sole and final arbiter in the decision of this question? Has the Territory met the necessary requirements, and is it now the proper time for admission?

No words of limitation are found in the treaty. Nothing there suggests or implies that New Mexico is to be admitted at any stated time, or even in a reasonable time, or in the near future, but only at a proper time, to be judged of by Congress. That proper time can come (however long may be the period) only when the qualifications of the Territory are such that it is entitled to statehood.

It is apparent perhaps in the course of this discussion—it has been apparent otherwise—that two of these Territories come here with the spirit of demand, as if there were nothing for this Congress to do except to answer affirmatively their request, as if there were no judgment to be exercised about it, no discussion of this matter whatever. I submit that they can not come in this way or in this light. They must come as others have done, by application, asking that they may be admitted to the Union and submitting their cause to the judgment of Congress.

There is, then, no obligation arising from any proclamation or treaty, or from any other cause, that should induce or compel the American Congress to act otherwise than according to its best judgment as to the admission of this Territory.

I have endeavored to give in these remarks a statement of the conditions we found in New Mexico and of the facts bearing upon this important question as they have appeared from statements made and testimony given before the committee, or from such authorities as seemed to be reliable.

Nothing has been presented with any purpose or desire to misstate the true conditions in this Territory, but the facts as they exist have been stated; and these facts, established by overwhelming proof, must stand like a wall impregnable against the present admission of New Mexico.

It is to be hoped, however, that at some future time, and before some later Congress, a condition far different from the present may be shown to exist, and that then this people may be given a place in the family of States.

But that time can come only when the population shall be increased so that it shall bear a just proportion to that of the Republic; when its resources shall be developed more largely; when the people shall be more truly American, and the element which to-day is foreign in race, in language, in customs and habitations shall be radically changed through public schools and American influence; when, if possible, a much larger part of her arid plains, valleys and uplands may be improved, and a supply of water convert them into fruitful fields, some burdened with crops of many kinds, and others shaded by innumerable trees, whose loaded branches bear all the varieties of semitropical fruits; when their flocks and herds, grazing upon better and broader lands, shall increase and multiply; when the products of the mine, the field, and the forest shall bring richer returns; when railroads, extending far and wide, shall bear their surplus products to the markets of the world; when a better and more general education shall unite and elevate this people, and when our institutions and our republican form of government shall be more fully understood and appreciated. Then, and not till then, will this Territory be entitled to statehood. When that time shall come, the crown and scepter which she seeks to-day will be surely granted, and another Senate will gladly bid her welcome to our halls of legislation, to our imperishable Union, and to the companionship of American States.

ARIZONA.

I now desire to call attention to that other Territory, Arizona, and briefly as I may, to state the conditions that exist in that Territory.

After leaving New Mexico we visited several of the larger cities of the Territory of Arizona. We visited Prescott, a city of 3,559 inhabitants according to the last census, a city lying in a valley surrounded by hills and mountains; it was an American city—enterprising, active, progressive. Our time there was occupied in taking the statements of many witnesses from among the leading citizens.

From Prescott we went to Phoenix, a city of 5,544 people, as stated by the census report. Here we found the latest and best development of an irrigation system. Here, too, were a progressive people, and at a reception tendered us, we found citizens of which any place might be proud. Men and women visited the place of the reception that evening who were people of culture, refinement, and intelligence.

At Tucson there are 7,531 people. Here we learned that in this city and its vicinity a large number of Mexicans resided.

Then to Bisbee—a city that has grown up almost in a day and a night, a city developed as if by magic. Encircled by hills and mountains it is a grand mining camp, so designated, so understood; but its population is doubtless eight or nine thousand. It is said that they were not reported at the time of the census. I believe that that place has substantially grown up since 1900. It is there because of the successful development of certain copper mines.

I wish to say in this connection that the appearance of the place and the conditions surrounding it were evidence, to my mind conclusive, that those who are the owners of property, the owners of buildings, understood that their stay might be temporary. The buildings were inexpensive, except a very few, such as hotels and stores, indicating that permanency of population was not expected.

In these several places the statements of many witnesses were taken, including those of census enumerators who were questioned fully as to the manner in which and the faithfulness with which they performed their duties. They were asked in regard to their oath of office and whether they acted with fidelity and in accordance with its obligations.

Their answers satisfied the committee that the census had been faithfully taken. In one instance the enumerator secured the names of people before his term of office began. He hunted for them until, as he said, not a man, woman, or child could possibly be found whose name was not in his return.

Among the 10 census officials who testified was the supervisor, a former Governor of the Territory. I should like to read from his testimony, because he is a representative man, and having been Governor of the Territory his statements ought to be relied upon. He was called as a witness by the committee, and made a statement from which I wish to quote at some length. (Pp. 128, 129.)

F. A. Tritle, called as a witness by the committee, first having been duly sworn, testified as follows:

By the Chairman:

Q. Please state your name and age to the committee.
A. F. A. Tritle; I will be 70 in next August.
Q. How long have you lived in the Territory?
A. I came down here in 1880.

So he had lived in that Territory long enough to become familiar with its people.

Q. You were supervisor of the census for the Territory?
A. Yes, sir.
Q. Do you remember about how many enumerators you had under you?
A. Well, about 100.

So it seems that in the Territory of Arizona for the purpose of getting the census correctly there were 100 enumerators to perform that duty.

Q. You appointed those enumerators, did you not?
A. Yes, sir; except those that were connected with the Indian Department; they were suggested by the Commission.
Q. You had a pretty thorough knowledge of the Territory?
A. Yes, sir; I was governor here prior to that time, and knew more about it in that way than I did in connection with the census. I did not go about the Territory any, as far as the census was concerned.
Q. You did not need to; you knew it?
A. Well, the people that were appointed did that.
Q. So that you were peculiarly qualified by reason of your acquaintance with the Territory to select the enumerators?
A. Yes, sir.
Q. You, in common with all of the enumerators, took the oath—the customary oath to take the census accurately?
A. Yes, sir.
Q. That was done, was it?
A. Yes, sir; that is, to the extent possible.

The meaning of that answer I understand to be that with the knowledge he had of his enumerators he believed the census was taken as well as it possibly could be. Further answering, he said:

You know, as a matter of course, that Arizona covers a great deal of ground, and the area is great, and necessarily some were missed that we would not come in contact with; but they were supposed to take them all, and the presumption is that they did it as successfully as it could be done in a country like this.

A question was put to him in this form:

Q. I understand you to say that the result of the census was substantially correct?
A. Yes, sir.

By the Chairman:

Q. Of course the census records will show at Washington, but how many interpreters did you use?
A. I could not tell you that now. The returns were made that I made, too, and that shows; the data that they got gives everything of that sort.
Q. The people to whom you refer as having been possibly omitted were prospectors, and the like?

His answer I wish to call attention to, because it sheds a little light on the character of prospectors as a permanent population. He said:

Yes, sir; possibly not a very great many here now.

The meaning evidently is that he had no confidence in the permanency of prospectors as inhabitants of that Territory; he said, "possibly not a very great many here now."

A. Yes, sir; possibly not a very great many here now. As a matter of course, take this area, a country that is not densely populated, and you would miss some persons that were out through the country, but substantially the census would be presumed to be correct. It was done in the summer.

LEAVE THE TERRITORY DURING THE HEATED TERM.

There is this to be said with regard to the heated portion, the extraordinarily heated portion of the Territory, that a good many people during the summer were absent, and during the time that the census was taken, possibly; so that there might be a few more people than the census would show.

Here is the statement of an intelligent man who had formerly been Governor, who had full knowledge of the Territory and of his enumerators; he said that there might be a few more people than the census will show, believing, evidently, that only a few were omitted in the census returns.

Q. Absent where?
A. Well, they would go off to where it was cooler.
Q. You mean outside of the Territory?
A. Yes, sir. For instance, you take this country when you get down south in the summer, it would be extremely warm.
Q. That would be people of permanent homes, and sufficient means to go outside of the Territory?
A. Yes, sir.
Q. And your enumerators had the data to take those?
A. No, sir; they would not be taken.
Q. If a man was absent and had sufficient means and substance to go away from his home in the heated term, and had his home, or ranch, wouldn't there be anybody there?
A. He would have to answer for himself; and if he was outside of the Territory at the time the enumerator went to his place, he would not be on the roll.

Q. How many would you say there were of them?
A. I would not have any idea of that.
Q. It would be limited, would it?
A. Yes, sir, although some of the sections claim there was a good many people absent. You will come in contact with them when you get to Phoenix, and those places that were hot, and they claim they had a good many more people than were returned.

Not only had we the testimony of witnesses who appeared, as I have stated, before the committee and gave us their evidence fully, but we have other evidence bearing upon the question of probability. I do not know definitely the compensation of those enumerators in all instances. I understand they were paid $5 a day, while they were out in the country, and 3 cents a name in the cities. But this fact is evident, they knew the business in which they were to engage; they understood they were going into certain districts; they knew what their expenses would be; they sought these places I have no doubt, and they were compensated for what they did, and compensated for a full and perfect return, as far as possible, of all the people in their districts. Then, as I have stated before, there was the general interest of the public which would be urging them on to do their full duty, to get every name possible, and to swell in every way that was just and fair the return of the population of the Territory.

Then to my mind it is a little remarkable that while in Oklahoma the assessors have annually taken the census, here where some were claiming that the census was not correct, that the population was double the number returned, there has never, so far as I have been able to learn, been any effort by actual canvass to refute the returns of the enumerators.

It does seem that at least in one city like Phoenix, for instance, where such a great discrepancy is claimed, the citizens would have made an effort to secure an accurate statement of population if there were anything wrong with the census.

It is undoubtedly true that some of the people at Phoenix, some of the people at Tucson, and at Prescott, and Bisbee, possibly were away, as they go away in summer from our cities, perhaps to California, perhaps to the Atlantic seaboard, or to the mountains, to find cooler retreats. Yet the number must have been small. Our own personal knowledge makes certain the fact that in none of our cities is any very large per cent away at any particular time for the purpose of visiting seaside or mountain resorts. Certainly if many were omitted in these cities the opportunity has been given to make it manifest.

But they omitted, it is said, those who were out in the mountains—prospectors, men who were away at a distance and could not be reached. How many prospectors might there be in either of these Territories? There would probably be more in Arizona than in New Mexico, because of the greater extent and value of mining possibilities. But are the prospectors out in the mountains men interested in agriculture and the owners of property who are located in city or town or country? They are a migratory people. They are men who are in this mountain to-day, probably in another mountain somewhat distant to-morrow, and they may be still farther away, and perhaps beyond and outside the limits of the Territory, in a very few days. So, then, that population, whatever it may be, can not be fairly reckoned among the permanent people of that Territory.

When we attempted to ascertain from these 10 census enumerators, who were under oath testifying before us, what the error in the census could possibly be, upon closest inquiry of every one we received these answers: One said that he thought out of, I think, two thousand or more he might have omitted five or six. Another with a liberal view, evidently wanting to be free from any possible mistake, said: "I think there might have been at least a hundred." These were the statements given us as to the enumeration in that Territory.

Now, that leaves the population substantially as stated, 122,931. Here let me call attention to the statement the Senator from Ohio [Mr. FORAKER] made, of course as he understood it, in which he spoke of the enormous percentage of gain in population there had been according to the census. It was stated, if I remember correctly, that here was an unprecedented gain of 100 per cent. It turns out that from twenty-five to thirty thousand Indians were not reckoned in the census of 1890, but were reckoned in the census of 1900.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. BURNHAM. Certainly.

Mr. FORAKER. I call the Senator's attention to the fact that the number of Indians reckoned in the census of 1900 who were not reckoned in the census of 1890 must have been exactly the number who, as I understand it, are returned by the census enumerators, and therefore twenty-six thousand and something.

Mr. BURNHAM. If I understand the Senator, he calls the number twenty-six thousand or twenty-seven thousand and odd.

Mr. FORAKER. Yes; that is the only difference there could be, as I understand it. I have not looked at it except what the Senator from Indiana said on the floor the other day, and it is doubtless correct. If it be true that no Indians were included in the census of 1890, but the number of Indians returned were included in the census of 1900, then of course the number included would be exactly the number of Indians the enumerators found—twenty-six thousand and whatever the odd hundred amount to—and that number being deducted from the total population would show exactly what the increase was with the census taken on the same basis on which the census was taken in 1890. I made a calculation of it, which shows that the increase was 60 per cent, instead of something over a hundred per cent, as I supposed it was, which I think is a pretty fair increase for a stagnant community.

Mr. BURNHAM. Mr. President, the Senator from Ohio does not, I think, disagree with the statement I made. I think I stated the number at from 25,000 to 30,000, because of some confusion in the statement which I received from the Census Bureau as to exactly what the increase was. There was some doubt whether it was 26,000 or 27,000 or 28,000.

Mr. FORAKER. If the Senator will allow me just a moment further, there was no confusion whatever as to what the census reported. The confusion was as to whether or not the census had made a correct report, and that arose from the fact that the Secretary of the Interior had reported a larger number, thirty thousand and something. But it was the number returned by the census that were included in the 122,000 population.

Mr. BURNHAM. I desire at this time, so that we may be absolutely certain about these matters, to read what I referred to as leaving some doubt in my own mind as to just what the difference was. This is a letter from the Acting Director of the Census, Edward McCauley, dated January 12, 1903, directed to me:

CENSUS OFFICE,
Washington, D. C., January 12, 1903.

Hon. HENRY E. BURNHAM,
United States Senate, Washington, D. C.

DEAR SIR: In reply to your verbal request of this date, I take pleasure in transmitting herewith a statement, showing the distribution of the illiterate population of Arizona at the censuses of 1890 and 1900.

The population of Arizona included in the general enumeration in 1890 (59,620) was exclusive of 28,469 reservation Indians and 154 white persons on Indian reservations, specially enumerated.

That seems to be a very plain statement.

Mr. FORAKER. Yes.

Mr. BURNHAM. Then follows this:

That is to say, the population of Arizona, contained in the general report on population for 1890, included only 1,512 civilized Indians, as against a total of 29,480 Indians, reservation and otherwise, included in the census of 1900.

The 1890 report on population does not contain a separate statement of illiteracy for the several colored elements of the population similar to that shown for 1900 in the table inclosed.

Very respectfully,
EDWARD McCAULEY,
Acting Director of the Census.

Mr. FORAKER. Then, as I understand the statement, the Senator will observe that it is exactly in accord with what I said a while ago, that 26,480, if that is the correct number, were included in the 122,931 which make up the total population.

Mr. BURNHAM. Yes; and as I understood the Senator, after he had made some calculation during his speech, the increase was 57 per cent.

Mr. FORAKER. I said 57 per cent upon the faith that the figures, as given by the Senator from Indiana, were correct. He said that 28,000 to 30,000 Indians were included; but when I came to think of it afterwards, I saw there could not be included, as I understood the census, more than 26,480; and deducting 26,480 from the total population would leave an increase that was the equivalent of 60 per cent. I did not go into small fractions.

Mr. BURNHAM. The area of this Territory is 113,030 square miles. This would make the number of inhabitants less than 1.1 per square mile. If the people of all the cities in that Territory were equally distributed over the country, instead of being located, as practically one-fourth or one-fifth of them probably are, in the cities, and if there were, as it has been claimed here, an average of five in a family, there would be five square miles of territory for each family.

I desire to call attention specifically to what has been said before in regard to the rules or requirements that have obtained when Territories were to be admitted as States. The report of the committee refers to the ordinance of 1787, and particularly to the 60,000 population clause. But when the Senator from Ohio referred to it, he, as I understood him, stated that the great principle—the great rule—was involved, not in what appeared in the report, but in what appeared in the declaration of the ordinance. I wish to read more than perhaps is necessary of that declaration, so that its connection and relation will be understood. Section 13 is as follows:

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all

laws, constitutions, and governments which forever hereafter shall be formed in the said Territory;—

I wish to call particular attention to these words—

to provide also for the establishment of States and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States at as early periods as may be consistent with the general interest.

That part to which I would give emphasis is in the closing words—"at as early periods as may be consistent with the general interest." If this is the rule, as I understand the Senator from Ohio in advocating this bill to affirm, then I submit that we are to consider first and most of all the general interests, and the general interests can be no other than the interests of the whole Republic.

So, then, with this rule uppermost in our minds, the question arises whether this small population, to which I will refer later on, certainly considerably less than 100,000 white people, is to come here with a representation equal to that of the greatest State in this Union.

Now, I submit we are to consider, just as the Senator has stated, the general interests of the whole Republic. I wish to read particularly in this connection the first rule, with reference to population:

And whenever any of the said States shall have 60,000 free inhabitants therein such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever and shall be at liberty to form a permanent constitution and State government, provided the constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and, so far as can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000. (Art. V.)

Under this ordinance it is indeed true that a Territory with 60,000 free inhabitants had a right to come into the Union. It had a right to submit to Congress the question whether or not it had 60,000 free inhabitants, and upon a decision in the affirmative, it was entitled under this ordinance to admission. We find in the Constitution, which is the supreme law of the land, that "new States may be admitted by the Congress into this Union." The only tribunal is the Congress, and no Territory has a right to demand admission until it has the necessary qualifications, to be judged of by Congress.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. BURNHAM. Certainly.

Mr. FORAKER. I call the Senator's attention in this connection, in view of what he has just said, to the fact that the ordinance of 1787 was more than a mere organic law. It was a contractual obligation, perpetual, between the thirteen original States and the Territories to which it was applied as an organic law; and because it was of that contractual character the Territories to which it was applied had the right to demand admission, a right recognized whenever it was asserted, whenever they could show that they had 60,000 free inhabitants. If the Senator has the ordinance before him he can find that provision. I know it is there. I was just looking for it.

Mr. BURNHAM. In the edition which I have the declaration referred to is on page 420, and on page 424 the article of——

Mr. FORAKER. I will find it in a moment, and then I will call the Senator's attention to it.

Section 14, on page 420, is the section that I refer to. If I do not too much interrupt the Senator, I will read it. It reads as follows:

It is hereby ordained and declared by the authority aforesaid that the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit.

And so on. So my contention is that it was not a mere organic law, but it was in the nature of an obligation which was binding upon the thirteen States that were governed by the Articles of Confederation, and also a binding obligation upon those thirteen States when they framed and adopted the Constitution of the United States.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. Even if that were true, as I pointed out the other day to the Senator, the reason for the committee's reference to the ordinance of 1787 was to show that the opinion not of the framers of the ordinance, but of the Congress that adopted it was that even in those States there should be some fair proportion of population compared with the rest of the country. So that even if it were a compact it would strengthen the point more than otherwise, showing that it was not only their opinion, but they put it in the nature even of a compact that a State should not be admitted regardless of numbers.

Mr. FORAKER. No one contends for that. Of course, there must be some population in the Territory before there can be an admission to the Union. But what I was saying when I had the floor as to the rule deduced from the ordinance of 1787 by the committee was that the ordinance had not established any such rule as that which the Senator contended for in his report, for even if they had provided, without any qualification at all, that there should be 60,000 people in the Territory before it could be admitted to the Union as a State, they meant that to apply to the last as well as to the first of the five Territories provided for, whenever they should have 60,000 people.

We all know that it was sixty years after 1787 before the last of the five Territories of the Northwest, provided for in the ordinance of 1787, did have 60,000 people, and they must have known when they framed it that during that sixty years the rest of the United States would be growing rapidly in population, just as it did grow. Therefore they could not have intended to lay down as a rule of percentage that no Territory should be admitted to the Union as a State until it had a population that would be in the same proportion to the entire population of the United States that 60,000 was to the population of the United States in 1787, when it was less than 4,000,000.

Mr. BEVERIDGE. Even conceding, for the purposes of the argument, that to be true, then it would come down to what would be the fair estimate which the Congress that adopted the ordinance thought would be the population when the last of those States was admitted. That would establish the proportion at that time. Of course, as I pointed out to the Senator the other day, the reason why the proviso which the Senator very properly called attention to was put into that ordinance, that if at any time a fewer number than 60,000 were there and the State with that fewer number could be admitted with safety to the interests of the rest of the nation, it might be done, was because the original draft of the ordinance presented by Virginia provided for the small number of 20,000, and the Continental Congress, when it was presented to them, declined it among other things upon that ground and that there would be 10 small States instead of 5. Congress took the opposite view and held that in the future there should be large States instead of small States, and that instead of 10 States there should be not less than 3 nor more than 5. That was one reason why they introduced the proviso. But all through the whole thing, culminating in the ordinance itself, there runs the idea that there should be a fair proportion of population in the State as compared with the rest of the nation; and it was even proposed during the debate upon this question that any new States which might come in should have one-thirteenth of the population of the Colonies. That is the rule suggested by the committee.

Mr. FORAKER. Mr. President, I do not know that it is material to discuss the matter, although it is very interesting to discuss it. There is really no difference, as I understand it, between us. I rose simply to call the Senator's attention to the fact that this was more than an organic law, for it was only in that way that he seemed to be treating it. I wanted to point out that it was an actual contractual obligation, to use its own language. It was a compact between the thirteen original States and this Territory of the Northwest, and no matter what somebody might have proposed or what was originally thought to be done, the thing they finally did is what we are concerned about. What they finally did was to say that a Territory should be admitted into the Union as a State whenever it might be done consistent with the general interest, and that these particular Territories should be admitted whenever they might show 60,000 free inhabitants, or at any earlier time than that if in the judgment of Congress it was proper so to do.

In the case of Ohio they did admit her when she had only 42,000; in the case of Illinois when she had only 34,000; and if they had admitted Wisconsin when she had 60,000 the percentage would have been, I think, only about twenty-five one-hundredths of 1 per cent of the population of the United States. I figured that out, but I have not my notes with me and therefore I can not be accurate about it. I think if Wisconsin had been admitted with 60,000, as she had a contractural right to be, her total population would have been less than one-fourth of 1 per cent of the whole population of the United States.

That was the rule in so far as any was established by the ordinance of 1787. Then when later we came to the case of Oregon, to which the ordinance of 1787 had been extended and applied, she was admitted when she had only 52,000, and the population of the country was at that time something like 30,000,000. I can not carry these figures accurately. I did not suppose it was important.

Mr. BEVERIDGE. I suppose it is not so very important; and yet in conceding to the Senator—and I will take only a moment—that it established a rule for 60,000, and that the idea of the proportional amount is to be excluded from it, I call the Senator's

attention to the fact that the reasons which led up to that are very important. The Senator says what is important is what was finally done, but the Senator as a lawyer knows——

Mr. FORAKER. No; what I said is, that what we are concerned about in determining the rule that is to be deduced from the ordinance of 1787 is what they actually did in the ordinance of 1787, not what they thought of doing.

Mr. BEVERIDGE. But I submit to the Senator we can understand better what was actually done if we find what were the reasons leading up to it. Now, one of the reasons which led up to this was (and my memory was refreshed upon it by the suggestion of the Senator concerning Ohio) that the men who were at that time pouring into this Northwest Territory were the Revolutionary soldiers. They were referred to by Washington, as I pointed out the other day. In speaking of the settlers of Ohio Washington said that he knew a great many of them; that they had been in the Revolutionary army, and they had been schooled in all the great discussions that went on during the Revolutionary period; that they were precisely the same men who fought the Revolution and who sent to Congress and to the Constitutional Convention, the men who framed our Constitution, and all that sort of thing. I think Washington puts it something like this, that he believes in all the history of the world there never was just exactly the same quality of men, of such excellent material for founding States as those who settled Ohio and the rest of the Northwest Territory at that time.

When this ordinance was adopted there was already this stream of immigrants of an extraordinary and peculiar kind. Therefore it was, Mr. President, that they put in the proviso, and therefore it was that it was perfectly proper, in view of these extraordinary circumstances—so extraordinary that Washington himself called attention to them—that a less number than 60,000 might be admitted, or, even if the Senator says the arbitrary rule of 60,000 should be applied, that it was finally adopted.

Now, I submit that that kind of immigration—the kind of men who were then on the ground, who had helped to establish the Republic in the first instance—and the rule which was deduced by the reason of their being there is not the rule, if you apply it as an arbitrary matter to 60,000 or a less number, that should be applied to Territories such as we have now under consideration.

Mr. FORAKER. If the Senator will allow me——

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. There is this weak point in what he suggests: There was no tide of population for Washington to speak about rushing into Ohio when the ordinance of 1787 was adopted. It was not until the next year, 1788, that the first settlement was established at Marietta, Ohio, and civil government was there instituted for the whole Northwest Territory. It has been stated that nearly everybody residing in the Northwest Territory was present at the inauguration, and yet there were but 54 white men, I believe, all told, present to see Arthur St. Clair inaugurated as the first governor of the Northwest Territory.

It is true that Ohio was fortunate, I think, as the Senator suggests, in her early settlements. But the settlers came in after that. The ordinance of 1787 was an inducement to these people to go into the Northwest Territory and make settlements there. The first settlement was made by the Connecticut people in the northeastern part of the State, in what is called the Western Reserve. Then a little bit later, coming down the line on the Pennsylvania side, settlements were made by the Pennsylvania Germans, and then at Marietta was made the settlement in 1787. Then at Gallipolis the French settlement was made a little later, and then at the mouth of the Scioto River, the Virginia military district, extending north in the State up as far as Chillicothe and beyond, but not so far as Columbus, was settled up by the Virginia people. Then at Cincinnati by New Jersey people, under the leadership of John Cleves Symmes, a settlement was made. Then Congress set aside what was called the military reservation at Columbus, Ohio, for the benefit of the officers of the Revolutionary Army. Thus were made a number of settlements, and it was of that population that George Washington spoke some time after the ordinance of 1787 was adopted.

Mr. BEVERIDGE. Is the Senator from Ohio through?

Mr. FORAKER. I was not quite through, but I am willing to be interrupted, if the Senator desires to interrupt me.

Mr. BEVERIDGE. I have to say just this: I have read, not within the immediate near past, but I have read, and it is very distinct in my mind, the letter of Washington concerning those settlers. If I am not very much mistaken—and I want to refresh my memory upon that point as soon as I go home—Washington's letter was written at the time when Congress was considering the final acceptance of the ordinance of 1787; but, whether that is true or not, the Senator will find upon reading the literature of that time and the letters of those who were interested in that ordinance when it was first presented, that precisely the tide of immigration, which the Senator describes as having occurred later, was taken into consideration and was contemplated, and they took it as a thing which had actually occurred. I suppose they had in mind the equity rule as applied to population perhaps, that what ought to be done was considered as already done.

Mr. FORAKER. Mr. President, I want to throw in a saving clause before I get through, for, after having been mixed up with the census the other day, I want to be a little careful.

My recollection—and I now state it—is that there was no population settled in Ohio until after 1787. Therefore I apprehend the letter of George Washington, to which the Senator refers and with which I also am familiar in a general way, although I do not recollect its date, must have been written subsequent to the adoption of the ordinance of 1787.

Mr. BEVERIDGE. That may be.

Mr. FORAKER. But, as I said a moment ago, I feel like apologizing for taking any of the time of the Senate in speaking on these points, because we are interrupting the Senator from New Hampshire [Mr. BURNHAM], who is making a very interesting and able address.

Mr. BEVERIDGE. I do not want to take up the time of the Senator from New Hampshire, but there is one point the Senator from Ohio brought out which I think does bear upon this particular discussion, and that is the Senator stated that these settlements were induced by the ordinance of 1787. I am willing to give all possible weight to that statement of the Senator, but I do not suppose the Senator means us to understand that that was the thing which chiefly induced settlements. The nature of the country, I think, was what induced them. We always find in the question of immigration that, after all, good natural conditions are the things which control. The form of government, of course, has something to do, much to do, with it, no doubt, but the fertility of the soil, the well-watered nature of the land, all the human conditions, in fact—the kinds of crops that can be raised, the pleasant nature of the climate, and everything that goes to make human life worth living—those, I think, are the fundamental things that induce immigration and settlement.

I said that the form of government has, of course, something to do with it; but I think the Senator will modify his statement that the ordinance of 1787 was the thing which induced this immigration. The chief things were the elemental and natural conditions. That is the reason I rose to call attention to the fact that that is one of the very things on which the committee stand on this question. It has called attention to the case of Arizona and New Mexico as contrasted with Oklahoma or with a State like Ohio or any other State where, without statehood, great immigration is bound to occur.

Mr. FORAKER. No doubt that is true. Natural conditions have much to do with population, and in a certain sense they have all to do with it; and yet it is a historic fact, with which we are all familiar, that Manasseh Cutler and his associates, having organized the Ohio colony and induced Congress, under the Articles of Confederation, to adopt the ordinance of 1787, withheld their enterprise and would not make any settlements until they had the ordinance of 1787, and none of these settlements were inaugurated until after that.

Mr. President, the reason why the admission of Ohio was hurried, as we all know when we come to the real facts, with which we are all familiar, was not because she was soon to have a great population, but it was because Thomas Jefferson had been elected President of the United States by a very narrow margin, and he wanted to be strengthened in the next electoral college. That is the reason why there was hurry to make a State out of Ohio.

The Virginians who went over there were great politicians. They hurried the holding of the constitutional convention; and when the convention was in session less than thirty days, having framed a constitution with which they were satisfied, and not having time to submit it to a vote of the people before the next session of the legislature, which had been called by Arthur St. Clair, they proceeded to promulgate it themselves and declared it adopted; but it never was adopted by the consent of the people. The Declaration of Independence was to that extent forgotten for the time being in the making of our first constitution, and it was all hurried—that is a well-known political fact—in order that the State might be admitted in time for the next Presidential election. It was, in large part, because there was that precipitancy in organizing that State that it has been a political battle ground from that time until the present.

Mr. BEVERIDGE. Mr. President, that is an exceedingly interesting piece of information, which I confess I did not know about. I did not know that politics had anything to do with it, I confess, but if that is the case—and I have no doubt it is—it may, perhaps, throw some light upon the original draft of the ordinance of Virginia, which, I believe, was drawn by Thomas Jefferson, which provided for 10 States and the number of 20,000 inhabitants, instead of 60,000, as a prerequisite for admission.

But that could not be the reason why the admission of Illinois was hurried.

Mr. FORAKER. The admission of Illinois was hurried because it came in later, at a time when the slavery question was attracting attention, and when States were admitted in couples.

Mr. BEVERIDGE. In 1818.

Mr. FORAKER. Illinois and Mississippi came in practically together, just as Maine and Missouri came in together. There was an effort to maintain the equilibrium between the free and slave States and not allow one section to gain a preponderance over the other. That was the case for thirty years.

Mr. BEVERIDGE. Of course, I take it that the Senator——

Mr. HOAR. I wish to make a statement, if the Senator from Ohio [Mr. FORAKER] has got through. I do not wish to interfere with either him or the Senator from Indiana.

Mr. BEVERIDGE. Certainly; I yield to the Senator.

Mr. FORAKER. So do I.

Mr. HOAR. If the Senator from Indiana and the Senator from Ohio will pardon me, I rose with reference to the last observation that the originating of the ordinance of 1787 by Mr. Jefferson had some connection with a desire on his part for political support. I do not think there is the least evidence of that.

Mr. BEVERIDGE. That statement was not made by me.

Mr. HOAR. The Senator from Ohio [Mr. FORAKER] spoke of the coming in of Ohio in 1803. I have no doubt he stated the history with absolute accuracy.

I did not understand the Senator from Ohio to say that in the draft of the original ordinance of 1787 Jefferson had any such purpose.

Mr. BEVERIDGE. No; he did not say that.

Mr. HOAR. But I understood the Senator from Indiana to say that the statement of the Senator from Ohio led him to believe that when Mr. Jefferson drew the ordinance of 1787 he had a similar design.

Mr. BEVERIDGE. No; Mr. President, what I said, or what I meant to say, was that that piece of information of the Senator from Ohio, about the reason for the early admission of Ohio, was new to me and very interesting. I did not know that there was any politics in it, I confess, but I was looking at it as a historical matter.

Mr. HOAR. If the Senator will pardon me one observation about that, I made as thorough a study of that history a few years ago as I could make of any historical matter.

Mr. Jefferson certainly had not a thought of any personal or political advantage in 1787, for, indeed, Mr. Jefferson's ordinance was drawn in 1783. It followed the cession of the great Northwestern Territory by all the States. Perhaps I may go back one moment without worrying the Senate. Maryland refused to agree to the Articles of Confederation at all—she was represented in the Continental Congress by a sort of sufferance—unless the other States who claimed the northwestern lands—which included Ohio, Pennsylvania, Connecticut, Massachusetts, Virginia, and I think New Jersey had some claim, but of that I will not be absolutely sure—would cede their title. Maryland claimed that the Northwestern Territory really belonged to the Crown; that it was Crown property wrested from the Crown by the common efforts of all the colonies, and that it was not reasonable that this great territorial possession should be won at that cost for the benefit of individual States. Those States accordingly ceded their possessions to the Confederacy.

I regard that cession by Virginia as one of the greatest acts of disinterestedness in all our history. It was a sacrifice of her claim, which was certainly as strong as any other, and probably the strongest, and it was so considered. The Northwestern Territory bordered on Virginia, from which Kentucky was afterwards taken.

Mr. BEVERIDGE. And first named Franklin.

Mr. HOAR. No, Franklin was the State of Tennessee.

Mr. BEVERIDGE. That is true; it was Tennessee and not Kentucky. I had forgotten for the moment.

Mr. HOAR. Jefferson, and also Carrington and Grayson—three of the important Virginians—and Richard Henry Lee were strongly opposed to slavery. When this cession was completed, Mr. Jefferson drew the ordinance of 1787, which in its original form has been alluded to as making provision for several States—I have forgotten how many.

Mr. BEVERIDGE. Ten.

Mr. HOAR. Yes, ten. But that was very distasteful to the other Southern States, especially North Carolina, South Carolina, and Georgia, and Mr. Jefferson's ordinance got no support whatever in the Continental Congress, and it died. Mr. Jefferson then went off to France.

The ordinance was framed by Mr. Jefferson before the treaty of peace in 1783. He could not possibly have been thinking of his own personal or political advancement at that time.

Mr. BEVERIDGE. That is clear.

Mr. HOAR. Mr. Jefferson only ventured to provide that there should be no slavery in that territory after 1800. Even that turned out to be so distasteful that the ordinance was dropped. Then it was brought forward again by Rufus King, of New York, with a different arrangement. That utterly fell dead, and the Continental Congress of 1786 adjourned, leaving that to perish with the session. That was the condition of things when Rufus Putnam appeared on the stage. His company of veteran soldiers was organized in Massachusetts. The house where he planned the scheme is now standing in Rutland, Mass. He had had a desire to colonize this Northwest Territory with veteran soldiers, and General Washington was the only person that Putnam could get to take the slightest interest in it. There are in existence a great many letters between Putnam and Washington, in which Washington says he has done his best, but can not get Congress to take any interest at all in the matter.

Mr. BEVERIDGE. At what time did Rufus Putnam organize that movement?

Mr. HOAR. In 1787.

That being the condition of things, this ordinance utterly dead, Putnam appeared at the doors of the Continental Congress by his agent, Manasseh Cutler, and said: "We have got a company organized in Massachusetts; we will pay you a million and a half dollars for your land; we will establish a settlement of veteran soldiers"—and some of the most famous soldiers of the Revolutionary war, Barton of Connecticut, Israel Putnam's sons, and others were amongst them. He said: "They would be a shield to these States against the Northwestern Indians, who are the most brave and formidable Indians on the continent, and they will also put a stop to this desire which exists in the Kentucky country to go off into a confederacy with Spain, so that they can control the mouth of the Mississippi, and they will discharge your obligation to these soldiers for their half pay."

Manasseh Cutler appeared to the Continental Congress. General Putnam had had for years his scheme in his mind, one of the conditions of which was that slavery should be inexorably prohibited. That is as far back as 1782 and 1783. Then by his agent, Cutler, he appeared at the door of the Continental Congress, and they brought forward this old dead ordinance. Mr. Jefferson was at that time in France as our minister, as everybody knows. They told Cutler that they would report it the next day. Thereupon Cutler, supposing the matter was all right, went off to Philadelphia, where the Constitutional Convention was in session. When he came back he found they had not reported the clause prohibiting slavery. He immediately sent around his cards with "P. P. C." upon them, and said he was going home, and that his soldiers could buy land in western New York and in Maine, if they could not buy any other.

Mr. BEVERIDGE. They were in Ohio at the time.

Mr. HOAR. No; they started the next year. They told him if he would stay another day they would come to his terms, and the next day Nathan Dane, to whom very erroneously the credit of the affair has been given, moved from the floor the amendment excluding slavery, the ordinance having been reported without it. The original ordinance and the original amendment in Nathan Dane's handwriting are over in the Congressional Library now. That was adopted by a unanimous vote, with the exception of Abraham Yates, of New York, who dissented. Then Putnam started with his colony of veteran soldiers and went down the Ohio River to Marietta and founded Ohio. This company contained many of the most famous soldiers of the Revolution—Parsons, and Varnum, and Return J. Meigs, and Putnam himself, and Tupper, and the sons of Israel Putnam, and Abraham Whipple, the daring sailor.

Mr. BEVERIDGE. That was at what date?

Mr. HOAR. That was on the 8th day of April, 1788. That is the date of the foundation of Ohio. Then——

Mr. FORAKER. If the Senator will allow me to correct him——

Mr. HOAR. It was in 1788.

Mr. FORAKER. I understood the Senator to say that the settlement was at Marietta in——

Mr. HOAR. 1788.

Mr. BEVERIDGE. April 8.

Mr. FORAKER. The settlement was made on that date.

Mr. HOAR. The settlement was made in 1788; the ordinance was passed in 1787.

Mr. BEVERIDGE. The Senator said April 8, 1787.

Mr. FORAKER. I said that in 1788 Arthur St. Clair was inaugurated governor of the Northwest Territory at Marietta.

Mr. HOAR. Mr. President, that is the story. I state it because this man has never had his due. It is a little curious that in the Ohio State convention in 1802 the same General Putnam, then an old man, was a member. Of course a great many people had come in from Kentucky and the South as well as from the North, and the son of Manasseh Cutler, Ephraim Cutler, the

agent of Putnam, who was sent to Congress to make these terms, was a delegate in that convention. He was sick in bed at his hotel. Being also a delegate and member of that convention, Putnam appeared at Cutler's room at midnight and told him that he must get up at whatever risk, because they were going to establish slavery by the Constitution. The two men went over together to the convention and the provision establishing slavery was defeated by one vote.

Mr. BEVERIDGE. Mr. President, I think the Senator from Massachusetts [Mr. HOAR] has established the fact that any deduction I may have drawn from the statement of the Senator from Ohio [Mr. FORAKER] that Ohio was taken in at the time she was to further Mr. Jefferson's political efforts—I say I think the Senator from Massachusetts has established the fact that the deduction I drew from that concerning the original draft of the ordinance of 1787 was incorrect.

Mr. FORAKER. I do not differ from anything the Senator has said as to the original drawing and adoption of the ordinance of 1787.

Mr. BEVERIDGE. I know; but the Senator from Ohio gave out the piece of information that Ohio was hurried into the Union because Mr. Jefferson wanted to strengthen himself politically, and I said——

Mr. FORAKER. Perhaps I ought to qualify that and say not Mr. Jefferson himself, but the adherents of Mr. Jefferson were the men who hurried the holding of the constitutional convention and promulgated a constitution for Ohio without submitting it to a vote of the people.

Mr. HOAR. Mr. President, if I may repeat, I have not the least doubt of the absolute accuracy of the statement of the Senator from Ohio. I made the statement because the Senator from Indiana seemed to think that in the original draft of the ordinance by Mr. Jefferson, which was in 1783 or thereabouts, he had some personal or political motive. That I wished to question.

Mr. FORAKER. I agree entirely with the Senator from Massachusetts.

Mr. BEVERIDGE. I think the Senator from Massachusetts is entirely correct about that. I say that the Senator from Ohio gave this rather novel and curious piece of information, which I did not know about—novel to me, but not novel to the Senator.

Mr. FORAKER. It is not novel; it is a historic fact.

Mr. BEVERIDGE. I mean novel in the sense, of course, that it was new to me; and, therefore, in the course of the debate I drew the possible inference that one reason for the peculiar drawing of the original draft of the ordinance which made us have 10 States, and the reason for which I never could see, might have been that, and then the Senator from Massachusetts cleared the whole thing up.

Mr. FORAKER. If the Senator will allow me, I will call his attention to something else in that connection, which may be novel—the Territorial legislature at one time undertook to bring the Territory of Ohio into the Union as two States and, in that behalf, established a State line running north from the mouth of the Scioto River up to its source, and from thence to the southwest corner of the fire lands, which belonged to Connecticut, near Sandusky, Ohio. They were going to have two States, but Congress would not allow it.

Mr. BEVERIDGE. I was not versed in these niceties of learning concerning Ohio's settlement, although I had the honor of being born in that State; but I think the Senator from Massachusetts has also established the fact, by the peculiar minutiæ and accuracy of his information upon this subject, that Washington when he wrote this letter, which, as I say, I think was some time in the neighborhood that we speak about, did have in mind these very men. The Senator from Massachusetts has called attention to the fact that the only person that Putnam could get to correspond with him or to take any interest in this subject at all was Washington himself, who had commended him and the men who were going to settle in Ohio. And it was to these men he referred when he spoke of the exceptional material for statehood that existed in the character of the immigrants there. So that the question of the dates, two or three years earlier or later, would not make any particular difference. Whether they were there at that time or not, their entrance was contemplated by Washington and by themselves for two or three years before, and they had had correspondence about it. Therefore, I submit to the Senator that it is an element worthy of consideration that one of the reasons why all of these States carved out of the Northwest Territory were treated as they were in every particular was what Washington pointed out as the exceptionable character of the immigration.

Mr. BURNHAM. I am not aware that there is any difference between Senators as to the construction and true meaning of the Ordinance of 1787.

I desire now to call attention to Article IX of the treaty with Mexico. The article is as follows:

ARTICLE IX.

The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted, at the proper time (to be judged of by the Congress of the United States), to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

The particular fact of interest in this article is that under this treaty the two Territories named were received by cession, and that whatever may appear in other treaties, or in the ordinance, we find here the authority by which we are to be guided in the consideration of the pending question, whether the proper time has yet arrived, in the judgment of the Congress of the United States, for the admission of these Territories.

Arizona has a population of less than twice the 60,000 named in the ordinance, while the United States to-day has over 76,000,000 people, nineteen times greater than at the time the ordinance was adopted, yet Arizona, with this small population, now seeks admission into the Union.

Another rule has been stated, the rule applied to Kansas in 1861. It may not have been followed, and I am not aware that any distinct rule has been followed in the practice of the Congress of the United States with reference to the admission of Territories. For many years prior to 1861, when Territories applied for admission, the question was what would be the effect of such admission upon the relations of the North and South; what would be its bearing upon what was understood then to be the equilibrium between these two sections of the country. In the course of some effort to ascertain what the discussion was when these Territories were admitted, I have found very little except that which related to the old question of slavery.

If that rule were adopted the requirement for Arizona would be a population of 194,182. Her white population is less than 100,000, and the query now comes, while the United States in its population has increased two and one-half times since 1861 and multiplied its resources by at least six, whether or not, under these conditions of population and of resources, Arizona has reached that standard which would entitle her to admission into the Union.

In this connection I am thinking of my own State, of my own county of Hillsboro. The number of white people in the whole Territory of Arizona is less than the number of inhabitants in this single county in the small State of New Hampshire.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. BURNHAM. Certainly.

Mr. FORAKER. I might say to the Senator in answer to that suggestion that the population of the single county in which I live is greater than the total population of the State of New Hampshire.

Mr. BURNHAM. I am very glad to hear it. What would be its relation to the Territory of Arizona?

Mr. FORAKER. It would be much greater, but we are not jealous of Arizona on that account.

Mr. BURNHAM. I hope you are not jealous of New Hampshire.

Mr. FORAKER. No, indeed, we are not. We are proud of New Hampshire, and I took occasion to say the other day, what I may repeat, especially since I have listened to the very able speech of the Senator from New Hampshire, that no small State has ever, as a rule, made an unworthy contribution to the statesmanship of this country. When you have a small and an intelligent electorate, you always get able United States Senators. Almost without exception, if not entirely without exception, will this be found true as to New Hampshire, Vermont, Rhode Island, and Delaware—when she sends any at all.

Mr. BURNHAM. Of course upon that point I can not disagree with the Senator, but I do not like the inferences he draws.

Mr. DEPEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. BURNHAM. Certainly.

Mr. DEPEW. On the question of population, I have here figures as to five Congressional districts in the State of New York. The lowest number of inhabitants in the one which has the least of those five is 240,000, and the highest has 375,000, as against 122,931 people who are to have two United States Senators in addition to a Representative in Congress in case this bill passes.

Mr. BURNHAM. Perhaps it has no bearing, but it seems to me desirable to bring clearly to the minds of all the small population, relatively, in the Territory of Arizona. For the purpose of

bringing out this fact I have attempted to ascertain what would be the result to the Senate of the United States if the old State lines should be obliterated, and should we take our whole country and divide it into States, not with the same territory, but with the same population as Arizona, and each one of these States should send to Washington two Senators. I do not believe it has occurred to any Senator what a large number would be thronging in at the doors of this Chamber. If I have made no mistake in the reckoning, there would be something like 1,240—1,240 Senators of the United States here if the rest of the country were represented as Arizona would be, if admitted.

Now, in connection with the meager population of this Territory, we think of the power and control that might possibly result. How has it been in the past? We think of 1876, and how the votes of Arizona, if they could have been cast one way or the other, would have determined the election of a President of the United States; how, here in the Senate, our foreign policy, our treaties, often by a very narrow margin, are settled one way or the other; how it is in legislation that bills of the greatest importance, relating to matters that concern the whole nation, are sometimes passed by a very small majority. And yet we are giving, not necessarily, but in a voluntary way—it seems to me prematurely—such a controlling power to so small a number of people.

I wish to say something here in regard to the character of the population of Arizona. I desire to state in the beginning that the people of Arizona whom we met, as in New Mexico, were intelligent, refined, and cultivated, but we did not see representatives of all the people. The population is divided into whites, 92,903; the Indian population is very large, 26,480; negroes, 1,848; Japanese, 247. Of the native born there are 70,508; of the foreign born, 22,895. The total population, not including Indians, is 96,431, less, let me repeat, by 16,000, than the population of the particular county in New Hampshire to which I have referred.

Now, it may be of interest for us to consider how this white population is divided. The number of males is 55,230; females, 37,673; the excess of males is 17,557. Now, of white and colored, including Indians and all, there are 71,795 males, 51,136 females, a difference or excess of 20,659 males.

While this inequality may be found to some extent elsewhere, it is a significant fact and bears upon the question which we are discussing as to the permanency of population. We find that there is an excess of white males of 17,557, and I believe this means a less number of homes, a less number engaged in agricultural pursuits owning their farms, and a less number permanently abiding in city, town, or country. There is less stability and less permanency in such a population, and this fact is worthy at least of consideration.

There are a large number of Mexicans residing here; in the committee's report the number is given as 28,931. But the difference between New Mexico and Arizona is that in Arizona the Mexicans do not and can not control.

ILLITERACY.

In regard to educational qualifications, there are some facts which I wish to state, and these are principally taken from the census. The number of illiterates 10 years of age and over in 1900 was 27,307, and the per cent was 29. In 1890 the per cent was 23.4. In 1880 it was 17.7.

I think it is only fair that the statement should be made that there were a large number of Indians reckoned in the census of 1900 who were not reckoned in the census of 1890, which undoubtedly had something to do with the result. But it seems very striking that illiteracy should increase in Arizona from 23.4 per cent in 1890 to 29 per cent in 1900. While there is, indeed, this explanation, so far as the last two censuses are concerned, I can not quite understand, if their educational advantages were what they ought to have been during the twenty years back, when the Indian element was not reckoned, why from 1880 to 1890 the percentage of illiteracy should have increased from 17.7 per cent to 23.4 per cent.

If, as we say, our institutions are founded upon education, if the success of our republican government rests upon the intelligence of the people, it is a matter of great consequence whether these people are growing rapidly out of the condition in which they have been or whether they are remaining substantially as they were. And the question to-day is whether they have reached that high standard of intelligence, that freedom from illiteracy, which is or should be required by the Congress of the United States.

Now, to illustrate the inacuracy of statements sometimes made by men who are intelligent, honest, sincere, and yet mistaken, I wish to refer to the testimony of a gentleman who appeared before us, who was born, I think he said, in the shadow of Bunker Hill monument, lived in Boston and vicinity, had been in New York for quite a time, and had come to Phoenix, Ariz., for reasons of health, a gentleman whose appearance before the committee certainly commended him in the highest degree.

I believe he stated what he thought to be the truth when he said "only 4 per cent of our people are illiterate." Against this statement is the census return which shows conclusively that in 1900 the per cent of illiteracy among those 10 years of age and over was 29, more than seven time greater than the witness stated.

I find from the census that the number of those 10 years of age and over, who in 1900 could neither read nor write, was 26,700—28.3 per cent. In 1890 it was 21.9 per cent. The increase here has been almost 7 per cent. The number of those 10 years of age and over who could not speak English in 1900 was 27,468—29 per cent; in 1890, 28.23 per cent. Now, as I say——

Mr. BEVERIDGE. Will the Senator permit me?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. I no doubt misunderstood a remark of the Senator, and if so, he can explain it; but if I did not misunderstand him, he can correct his own statement. He said there were a certain number who can not speak English. Now, if the Senator is referring to illiteracy, the illiterates are those who can not read or write English or any other language whatever; and if that test were confined to the reading and writing of English alone, it would be very heavily increased. I was following the Senator carefully, but he was going on with such great rapidity in his statements and figures that I did not catch just what he did say about that point.

Illiterates are usually regarded as those who can not read or write the English language. As a matter of fact, the census test is those who can not read or write the English or any other language, and therefore in a population where there is a heavy foreign element—the word "foreign" being used in the sense of people who do not speak English—the percentage would be enormously increased. It is the opinion of everyone on the committee that if in New Mexico, for instance, where the percentage of illiteracy is thirty-three and something, or about that, the test of writing and reading the English language was applied, the percentage would be much more than doubled—perhaps 70 per cent. I do not know whether I caught the Senator's statement. The Senator did say something about reading and writing English, and I wondered whether or not it was on the question of illiteracy.

Mr. BURNHAM. The statement, of course, was taken from the census report and from the heading of the report, which was "ten years of age and over; can neither read nor write." The number I gave was 26,700; 28.3 per cent.

Mr. BEVERIDGE. That means read or write any language.

Mr. BURNHAM. Any language, as I understand it.

Mr. BEVERIDGE. So if it was English, the percentage would be very much increased.

Mr. BURNHAM. Yes. It says who "can neither read nor write," which, I assume, of course—and I think I am correct—means any language whatsoever.

Now, as I said, in that Territory, as in New Mexico, there is no question but that they have good public schools and are now giving attention to their school system. The objection is that they have not yet pursued that line far enough to remove the difficulties which stand in the way of admission to the Union. They have a normal school; they have one very large university; they have high schools in the cities, and it was our privilege to see the schools in Phoenix, and the pupils there would compare favorably with any of our pupils in the Middle West or the East.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. BURNHAM. Certainly.

Mr. RAWLINS. As bearing upon the question of illiteracy in the Territories, I should like to invite the attention of the Senator to the fact that until a Territory is admitted to the Union as a State, no public lands, or proceeds of public lands, are available for the purposes of education. That is one of the disadvantages of the Territorial condition. The population, many of them pioneers, are compelled to support education by direct taxation, or by contributions from their pockets, while if admitted into the Union as a State, a large portion of the public lands is devoted to the cause of education. Hence the admission of Arizona and these other Territories into the Union would tend greatly to the amelioration of their condition in regard to education.

Mr. BURNHAM. I am not aware that that is a fact in regard to these Territories. I have in mind Oklahoma. I understand that her school lands have been leased, and that she receives a very large and substantial income from the leasing of those school lands. I supposed that the same might be true of Arizona or New Mexico, although my attention had not been called to it.

Mr. RAWLINS. I know the condition which I described did apply to the Territories. It is possible there may have been some special legislation in regard to Oklahoma, but in my own State, when a Territory, none of the public lands were available for educational purposes until the Territory was admitted. I think

that is true of Arizona, unless the condition has been recently changed by legislation.

Mr. BEVERIDGE. Does the Senator mean to say it is not competent for the legislature in a Territory to raise by taxation any funds for school purposes?

Mr. RAWLINS. No; the proposition I made was that none of the public lands in these Territories are available for educational purposes. In all the public-land States sections 16 and 36, and sometimes four sections in each township, have been dedicated to the cause of education; but those lands are not available until the Territories have been admitted into the Union as States, unless, as possibly in the case of Oklahoma, there has been some special legislation.

Mr. BEVERIDGE. But still that would not prevent the Territorial legislature from raising funds by taxation.

Mr. RAWLINS. That is what I said, that if they educate their children it must be by direct contributions from their pockets. There are no public lands or no public funds available for that purpose.

Mr. BEVERIDGE. That, then, would be merely the normal condition of settled communities. The legislature has the power to raise by taxation any amount of money it thinks wise for public-school purposes. It is not prevented because it is a Territory; and that is a point very often made with reference to the matter. I do not understand that to be the Senator's contention. As a matter of fact, a Territory, with the exception of going into debt over 4 per cent, or of any of its municipalities, has as much self-government in through its legislature and things of that kind as a State has.

Mr. RAWLINS rose.

Mr. BEVERIDGE. I yield to the Senator, although I was going to make another remark.

Mr. RAWLINS. I want to complete the statement in regard to this point. As a matter of fact, I am informed that Arizona has never had made available to her any public lands within her borders for educational purposes, but that what schools she has maintained she has maintained by direct taxation or voluntary contributions to that end.

Mr. BEVERIDGE. That is, taxation provided for by her legislature.

Mr. RAWLINS. Taxation provided for by her legislature.

Mr. BEVERIDGE. That would be just the situation we are in in the older States.

Mr. RAWLINS. No; the State of Indiana——

Mr. BEVERIDGE. We had public lands; we had school lands.

Mr. RAWLINS. Every State in the Union has had funds growing out of the disposal of public lands—section 16 or two sections or four in each township. The burden of education has not fallen directly upon the people, and the funds for that purpose were not raised by taxation. But in Arizona and New Mexico, although there was a special act in 1898 under which a portion of the public school lands might be made available in that Territory, no public lands are available for purposes of education. So, in reply to the argument which was being advanced by the Senator from New Hampshire, it may be said that the condition of illiteracy would be ameliorated upon the admission of those Territories into the Union as States.

It is true of my own State that while a Territory and until it was admitted funds were raised by direct taxation. Upon its admission as a State four sections out of each township became available for educational advantages. That has been a great relief to the people. The people who come to these Territories are pioneers; their condition financially is not of the best; there is a great struggle for existence, and in addition to the other hardships entailed upon them in a Territory is that of providing for the education of their children. Where there are large tracts of public land which might be available to that end they are withheld from them. Upon the admission of a Territory into the Union as a State they become available. Hence in this respect, as in many others, the admission of these Territories into the Union as States will tend to promote and hasten their progress educationally and otherwise.

Mr. BEVERIDGE. As a matter of fact, I understand—and if I am not right I am sure the Senator will be informed immediately, since we see the source of his information close at hand—there have already been grants of public lands, at least with reference to New Mexico, and there is a bill now before the Senate, which I tried very hard to get the Senate to take up, at the request of the Delegate from that Territory, last session, reported favorably by the Committee on Territories, to permit the Territory to lease certain of the public lands which belong to its public institutions for the purpose of building new buildings and for other educational purposes.

Now, if that is not true, however, it would seem at first glance, considering the land in these Territories just as the lands are in any of the States, that there would be force in what the Senator says. But of course these public lands would have to be taken out of lands that are now Government lands, and until there is further irrigation and until the storage of water in Arizona and New Mexico becomes a success (and even then I am inclined to think the lands susceptible of irrigation are pretty largely taken up), the lands that could be set aside for school purposes would not bring anything, because they are not productive lands.

Mr. RAWLINS. If the Senator will permit me——

Mr. BEVERIDGE. Certainly.

Mr. RAWLINS. That can not be the case in the Territories, because in every Territory certain sections are reserved. Sections 16 and 36 and in some cases four sections out of each township have been reserved. They were reserved originally. They are not subject to disposal. They may be, and many of them are, so situated that they are the most valuable lands in the Territory. Private ownership of them can not be acquired. They can not be leased by the Territory. They are dead property.

In my own State, which was organized as a Territory fifty years ago, some of the very best lands in the State, four sections out of each township, were reserved. When the State was admitted, some of the counties were the owners of large tracts of land in the very richest part of the Territory. There was one section in the immediate vicinity of Salt Lake City, and there were other sections where the land was most valuable. So a considerable fund was at once available for educational purposes by reason of the admission of the Territory to statehood.

So the school lands in these Territories have not been taken up. They may be along the streams, where they may be readily irrigated and reclaimed. In fact, some people may be in possession of them without contributing anything in the way of consideration or rent. That is true in most Territories.

Mr. BEVERIDGE. I do not think that can be the case here, because their system of canals is built over the irrigable land for which there is now sufficient water. Worse than that, there is not sufficient water, as the testimony shows, for the canals already constructed.

Now, if the Senator will look at the map which Professor Newell, the hydrographer of the Geological Survey, submitted as a part of his testimony, he will see (and if he will read the testimony himself what he sees will be confirmed) that the portions which can be irrigated and made useful in Arizona are very limited at the present time; that they are along the Salt and the Gila and in the neighborhood of Yuma, on the Colorado River. It is stated in that testimony that all this land has been taken up. As a matter of fact, the testimony further shows that while the canals already constructed cover perhaps a larger area, they had enough water this year to irrigate only 185,000 acres out of a total acreage of some seventy-two or three millions.

Mr. RAWLINS. Mr. President——

Mr. BEVERIDGE. Just a moment, if the Senator will allow me. Suppose one or two sections or a half dozen sections do lie along these streams. Still, as the irrigation is at present, as the dams are at present constructed, unless vast storage reservoirs are built and made successful the area is comparatively limited. I hope and believe that will be done, but it can not be done in the near future, because if they should go to work right now they could not get it done very soon. Even if that were true there would not be a great deal of land which would be of any value for school purposes, because the great extent of the Territory is away from the streams and waterways and is of a character with which the Senator is familiar. It consists of mountains, and it consists of great plains where there is no water, and you could not sell the land because nobody could use the land. That is the point.

So the point which the Senator very clearly makes—that these lands would become available for school purposes—loses its force when we consider that while there may be a great extent of square miles, that Territory is not fertile nor susceptible to human uses. The Senator will see that that is the case if he will read the testimony already given and before him or within his reach.

Now, another thing, Mr. President. If the claims of even the most enthusiastic advocates of statehood be true—and it is to their credit if it is true, and I prefer to believe it true than otherwise—they already have a pretty well-developed school system. They have schoolhouses, they say, and they have a large number of teachers. The point which the committee makes, especially in regard to New Mexico, is that they have not made the progress in the past which we might reasonably expect from a candidate for admission to statehood in the Union. They are now getting a fair start, and the committee proceeds to describe in language just as strong as the truth will admit the excellent nature of some of their schools. It is stated by the superintendent of public instruction for New Mexico that in some of the schools they do not lack schoolhouses and they do not lack teachers, but in some of the schools Spanish is taught exclusively, because the teachers

themselves speak Spanish and they can not get any English-speaking teachers.

But now, conceding all the Senator says for the purposes of argument—of course I do not concede it as a matter of fact—it still is true, if the claims of the advocates of statehood are true, that they already have a very considerable and a very perfect school system, and that school system is beginning its work. Our argument is, Why not let it conclude, or at least proceed further in the work of Americanizing this population and lifting it to a level, as can be shown by census figures, with the rest of the country before they come in upon an equality with the rest of the States?

I wish further to state in this connection, while I am on my feet, that as one of the members of the committee—and I think we all feel the same way—no person more ardently hopes that they will not only improve in education, and believes it, but that they will also, by finally establishing an irrigation system, open up much of the land which is now not available to human or any other use, so that it will be productive and bring forth an abundance of all those things upon which people live, and therefore will lead to an increase of their population. It is not true now. The argument I made upon this particular point is that until that does become true and until a fair proportion of population is established in these Territories with reference to the population of the rest of the States, and until the work of education which is now beginning and which is being pushed forward is completed, they should remain a while longer under Territorial government.

Further, it would appear to a person who thinks about it, that if they are so earnest in their desire for statehood, the very fact that they are kept out for this reason, among other reasons, would be a very powerful spur and stimulant to them in forwarding all the more vigorously their educational work. I think the Senator will, perhaps, admit the force of this argument.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. BURNHAM. Certainly.

Mr. RAWLINS. As I listened to the response of the Senator from Indiana to the suggestion which I made that this Government was interested in the education and progress of all its people, including those in a Territory as well as those in a State, it appeared to me that we use an argument resulting from a condition which we ourselves have created, namely, a measurable degree of illiteracy among these pioneers in Arizona, when we withhold from them the means which are offered to people of every State to advance the cause of education.

There is one suggestion. Not only will the lands which are now, it is reasonable to say, of no value become available for educational purposes, but those lands would constitute a fund in the hands of the State the utilization of which might result in conserving the water supply.

Mr. BEVERIDGE. How, if the Senator will allow me?

Mr. RAWLINS. If the Senator will permit me, I have lived all my life in conditions not entirely dissimilar from those in Arizona, for during the past six or eight years there has been a recurring period of unusual drought throughout the intermountain country, and measurably so in the rest of the country. Observations in India for nearly a hundred years and also in my own State have demonstrated that these recurring periods come in cycles of about eleven years each. For a portion of that period there is little rainfall. There has been a minimum of rainfall throughout the mountain country during the past two years. In the next four or five years perhaps the rainfall will increase.

Mr. LODGE. Will the Senator excuse me?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. RAWLINS. Certainly.

Mr. LODGE. I merely desired to ask a question. In speaking of rainfall does the Senator refer to the rainfall over the whole region or simply in the mountains or the sources of streams?

Mr. RAWLINS. I mean the precipitation.

Mr. BEVERIDGE. The general precipitation?

Mr. LODGE. The general precipitation?

Mr. RAWLINS. Not the local, but the general precipitation. The moisture which rises from the earth of course falls in the higher mountains in the form of snow, particularly in the winter time, and it comes down in avalanches and fills up the gorges, and constitutes a reservoir, so to speak, and during the hot season it constitutes our source of water supply for summer. That is true in Arizona and perhaps in a less degree than farther north, but it is measurably true there.

Now, during the past two or three years in my own State there has been an outcry on account of the scarcity of water, but it will disappear in two or three years, and we will have an abundance of water where there is now a scarcity. Those periods have come in cycles, as I pointed out. I have had occasion to examine the conditions in India, where they have had longer experience than perhaps in the other countries where they resort to irrigation. They have taken observations, and they find that there the recurring period of drought, the minimum of water supply, comes in about eleven years. That condition has prevailed there, and there has been a record kept for about one hundred years. In the past fifty years the same condition has been noted in my own State, where similar observations have been made.

Hence it is unfair to Arizona to base her permanent condition upon that of the past year or the past two years, because during that period there has been a minimum of rainfall or water supply throughout the entire region of the West.

While I am upon my feet I might call attention to another matter, which was referred to yesterday, about torrential rains. Of course, that proposition has no significance with reference to irrigation except in one respect. The so-called cloudbursts occur in the higher mountains. The winds carrying the vapor suddenly encounter a colder atmosphere in the higher mountains, and it is at once precipitated, causing a torrential storm, and the water comes down in a great flood. It can not be preserved, of course, up in the mountains where it actually occurs. It falls down upon the cliffs. But lower down, if reservoirs or lakes or basins are constructed, those waters may be caught and conserved. That can be done in Arizona. It can be done anywhere. In that manner those waters can be preserved.

The only point I desired to make now was that if you admit Arizona and New Mexico, the lands now reserved and useless for school purposes will be a fund in the hands of the new State.

Mr. BEVERIDGE. How will they use them? That is the point.

Mr. RAWLINS. They can use them. They would be valuable lands if supplied with water. Irrigation reservoirs can be constructed by parties having sufficient funds to construct them properly. These lands may be utilized for that purpose. Lands now worth nothing may be worth $50 or $100 per acre when thus supplied with water, and they would then constitute a fund. It would be an invitation to capital to do this work. People wanting homes stand ready to take these lands and pay for them when they are once supplied with water.

Of course that is the only method by which Arizona can be built up. Through State organization that fund which is now dead may be vitalized, under intelligent administration, and the only intelligent administration is local administration. I have no confidence whatever in the Federal Government ever inaugurating or carrying into execution a system which will lead to the reclamation of these lands in the West, because it has no instrumentality, it has no business capacity as a national organization, to do this work. But organizations locally interested in the development of the Territory can do it, and the best way to accomplish that result is to admit Arizona and New Mexico into the Union.

It is true their population may not be up to the standard in all respects of older communities, but the speediest way to obtain that end is to clothe them with responsibility and they will take up the exercise of the duties which will thereby devolve upon them, and out of that exercise will grow strength, and out of those conditions there will be progress. Out of the utilization of those lands will come education; and out of these communities which you now describe as unfit for association in the citizenship of the Republic you will find a people ultimately who will compare favorably with the best people in this nation.

After long years of experience why should we still handicap them? We pledged ourselves to admit them. If they are ever to be admitted they are now as fit for admission as they will ever be. The addition of a few thousand of population and a diminution of the degree of illiteracy a per cent or two is not going to make any very material difference. The question is now presented whether these Territories shall be retained for all time in a condition of Territorial vassalage or be permitted to enter upon that career to which they are ultimately, at least, destined.

Mr. BEVERIDGE. Mr. President, the Senator from Utah always makes a plausible argument, and to-day, I think, he has made the best-worded one I have ever heard him make. I assert also a good deal that the Senator has said, but I think he gets his conclusion before his premises.

The Senator admits that the land is worthless, that progress is impossible without irrigation, and that irrigation can only come by the establishment of storage dams, and that, therefore, the rendering valuable of the land can only come by that means.

Now, Mr. President, the point is why should not that be done; why should not this land be improved; why should not immigration be increased there, and while that is going on why should this illiteracy not be progressively destroyed, and why would not these all be conditions leading up to statehood instead of the reverse?

Mr. President, there is nothing in the Territorial situation which prevents them from doing that as Territories any more than as States, except one consideration only, the Senator will admit, and that consideration is, that while they are Territories neither the Territory itself nor any of its municipalities may go into debt beyond 4 per cent of the assessed valuation of its property, and that when it does want to go in debt beyond that rather high limit it must come to Congress to get its approval.

It occurs to me that for a young and growing community, even where the lands are fertile, that is a very good safeguard. That safeguard was inserted because of experience in certain States where the land was very fertile and where it was not in the arid region at all. If it was useful there, and if it grew out of the experience of Kansas, Nebraska, and States of that kind, how much more forcible is it in States which have to contend against unusually hard conditions?

Therefore, if it be an advantage (and I think I can show to the Senator that it will be a disadvantage with reference to these Territories), the only advantage would be the removal of the 4 per cent limitation. Now, that is not necessary whenever any useful purpose is to be served, because the Congress of the United States is not going to deny to the legislature a confirmation of any law they pass to better their condition in a proper manner. As an illustration, there is now before the Senate, reported favorably by the Committee on Territories, a bill authorizing the bonding of property in Maricopa County for the building of the great storage dam there. That bill, if it had not been for this discussion, would long since have become a law. So the Congress of the United States, exercising merely its checking power in order that certain abuses, of which the Senator well knows, as we all know, may not occur, will never exercise that power when it would not be to the injury of the Territory itself to do it.

There is nothing standing in the way of building these dams; there is nothing standing in the way of the storage of these waters. The Congress of the United States does not stand in the way of a Territorial form of government, save as the limit of 4 per cent upon the assessed valuation of their property stands in the way; and the Senator, I hope, would not wipe that out.

Therefore, I say, the Senator gets his conclusions before his premises. Why not extend this system of irrigation? For one I am willing to say now—and I hardly ever make a pledge concerning my future action—from my observation in these Territories, if the question came before the committee of which I have the honor to be a member, or before the Senate if I was not a member of the committee, I would probably vote in favor of any well-considered scheme for increasing the local irrigation in any one of these Territories, because it is the only thing, as the Senator well says, upon which their future can be built. Then, when these lands that are fertile are irrigated, when water is applied and they have been made fertile by that process, when settlers have come in, when in the meantime the processes of education have gone on, certainly it would be true, to put it very mildly, that the conditions for statehood would be better. Would it not?

Now, Mr. President, just one more word with reference to this subject. I am inclined to agree with the Senator in what he said concerning the temporary nature of the severely arid character of the Territories in the last few years. Although there are two theories about it, nevertheless it is true that Arizona and New Mexico are in what are known as the arid belt. There is the arid belt, and there is the semihumid belt, and there is the humid belt. The Senator's State is partly in the arid belt, but there is a strip of semihumid belt in the Senator's own State. These, as I think Governor Otero's report shows, are well within the arid belt, so called and designated scientifically. So this arid condition is no temporary matter.

What I think the Senator intends to refer to is that the increase of this natural aridity for the last few years is a temporary matter. I sincerely hope it is, because certainly the waters down there have been shrinking, and nobody wants to see them shrink any further. I should be delighted, and so would everybody else on this side of the Chamber, if the waters would swell and stay swollen, so that we might have in those Territories wherever there is a water course a second Nile, and that the agricultural resources of this Territory might be increased indefinitely. I would be very glad of that.

On the question whether it is a temporary matter, I am inclined to agree with the Senator, but men who have given much thought to this subject and whose business in life this study is, have come to a different conclusion, and that, too, even in the semihumid States. For instance, I will state what I have read, some time or other, I do not know when and I am not sure where, but I am sure of what I say. I think it is in Newell on Irrigation, a most admirable book of information and beautifully written, where he speaks about what the Senator and myself know as men who in our youth lived out in that country, the rainbelters. The rainbelters were people who in western Kansas and similar States found that when they got there the rains were descending quite as much as in their own States, and not only for one season and one year, but for many successive years, so that they took up their homesteads and plowed their fields and planted their grain and raised abundant crops. But it was not a permanent condition. The natural semihumid condition returned, and suddenly these farmers found that they had merely barren land upon their hands, because they did not have enough water.

Now, during this series of years, and a series of years, too, so long that it justified them in thinking it was permanent, prosperity was so great, although it was temporary, that they could command upon their farms more favorable terms in mortgages, and those mortgages were sought after by mortgage companies, and mortgages on western Kansas farms were sold all over the Central West and all over New England.

I was there during a portion of the time when the natural condition returned and much of the land which for a few years had plenty of water went back to its natural condition. The farmers found that they were without any means to pay their mortgages and that they had to return to lands where they could have this thing permanent.

So I say that the experience during a long series of years, even in semihumid, not in arid, but in semihumid regions, shows that it may be after all that the condition of which the Senator speaks may be permanent. I am inclined to think, too, as the Senator says, that it might occur four or five years even in the semihumid region. It has occurred as long as ten years at a time when there would be an abundance of rainfall, and that belt of rain would extend gradually year by year. The Senator remembers that, and that it gave rise to many theories, as, for instance, that the planting of trees in the ground would advance the rainfall, that the breaking up of the ground would have something to do with it, etc. So the rain belt extended, but it did not extend permanently.

Therefore it may be that the shrinkage of the water in the streams of which the Senator speaks is the natural arid condition. However it may be, it is certainly true that the failure of water down near Phoenix is very serious, and nobody recognizes it more so than the people there. Now, if the Senator and the other Senators will vote for the bill to authorize Maricopa County to establish this dam, it may be that this serious condition will in the future be prevented, because these waters surely can and must be conserved. There is not any use of their being wasted. The conservation of these waters, however, is a serious thing.

That brings me back to the final conclusion. They have full power over this subject except in one thing, and that one thing is the power to go in debt beyond 4 per cent. The reason why that was put in was because of the melancholy experience of the people of Kansas and Nebraska and similar States where, by voting subsidies to build railroads and other things of that kind, the people became indebted so that they could not free themselves from debt for a generation. It was out of that fact and the fact of the rain belters I spoke of a moment ago that certain political disturbances arose six or eight years ago. The people found themselves tremendously in debt. They had been induced to vote large subsidies to build railroads with. The railroad builders got the railroads and the people got the debt.

So that sad experience caused President Harrison, when he was a Senator and chairman of the Committee on Territories, to write and have passed by the Senate this 4 per cent limitation. Now, is it wise to remove that bar? Did the Senator read the testimony of the first witness taken in Oklahoma, who stated that the people even in Oklahoma did not really want statehood now, because they were so prosperous, and they had railroads, and were getting more built by the capital of legitimate investors, whereas if this 4 per cent limitation was removed they would have the experience that certain other States had, the experience of having their people induced to vote heavy subsidies, which they would find it hard if not impossible to pay, while if they remain in their present condition for a few years they would have all the railroads they wanted without the debt.

I think, Mr. President, one of the serious considerations of this bill and one which I intend to address myself to during the course of this debate perhaps, and which I will mention here, since the Senator brings it out, is that the bill if passed will take from about the people of New Mexico and Arizona the shield of the 4 per cent limitation, and will permit any exploiter who is sufficiently skillful to induce the people of counties and cities and of the Territories themselves to vote great subsidies in the aid of railroad schemes, the result of which will be that the railroad promoters will have the railroads and the people will have the debt, and it would be a debt from which down there they could not rid themselves in a generation, and perhaps not for a hundred years.

Mr. BURNHAM. Mr. President, as I was stating when interrupted, the condition of the schools in Arizona at the present

time is encouraging. Many of the people who visit Arizona remain, having gone there on account of their health, and many of them are very intelligent people, coming from different sections of the Union. Others have gone there for business purposes. From these came the delegations which were presented to the committee as representative of the Territory. But, as I have said, if New Mexico and Arizona could have the full number of their population made up of such intelligent and cultivated people, the conditions would be very different from what they are.

But, after all, there is the question of population and its inadequate number, which, it seems to me, stands in the way of the admission of both these Territories. There are certain facts relating to the condition of Arizona, I think not yet referred to by anyone, that I wish now to present, and these concern the land itself and its improvement.

IRRIGATION.

The land not appropriated in Arizona to-day amounts to 67,068,563 acres, and the land not even surveyed is 54,612,869 acres; yet that portion of the country was settled before our New England.

It is important in this connection to consider the present conditions of the Territory and its probable future so far as the occupations of the people are concerned. So our attention is called to the means by which they obtain a livelihood. They are located there, as in New Mexico, in the very midst of the arid region, where, as is conceded by everyone, there can be no successful prosecution of agriculture except through irrigation, and that only through the impounding of water. We believe that the future prospects of this Territory are matters about which we may well be concerned at this time. Certainly it is not in a proper condition to-day for admission as a State, whatever may be its future.

The natural rainfall, as I have said, is not sufficient. I refer to the report of the committee, where a statement occurs with reference to the rainfall in Arizona. In the report the committee states that no relief can be expected by rainfall, and this fact also appears in the testimony of Mr. Fowler, of whom I have spoken, in Professor Newell's testimony, and in the statement of Mr. Heard, who is one of the water commissioners at Phoenix. The committee's report states:

This also is shown by the precipitation throughout the Territory, which is—

	Inches a year.
Fort Mohave	5.99
Gila Bend	5.86
Phoenix	7.22
Tucson	12.11
Yuma	2.97

In the neighborhood of the mountains, of course, it is heavier, being:

	Inches a year.
Bisbee	17.06
Fort Apache	20.94
Flagstaff	22.24
Fort Defiance	18.12
Prescott	15.62

These mountain precipitations are no substantial aid to agriculture except in affording water for the streams.

The same observations as to the nature of this rainfall that have been made as to New Mexico are even more true as to Arizona. (P. 17.)

In this connection I would call attention to a statement made by the Governor of Arizona, on page 30 of his report, as to the snowfall. He says in that report that the supply of water for the steady flow of streams depends greatly on the amount of snowfall. I wish to bring to the attention of Senators the fact that this supply is unreliable. Here is a statement as to the snowfall during the month of February, 1901, and the month of February, 1902:

Snowfall in inches.

Station.	1901.	1902.
	Inches.	*Inches.*
Flagstaff	84.3	13.1
Fort Huachuca	5.5	.0
Natural Bridge	21.0	.0
Oracle	15.0	.0
Pinal Ranch	10.0	.0
Prescott	25.0	Trace.
Showlow	29.0	Trace.
Yarnell	15.0	Trace.

And here is a note in the Governor's report:

The snowfall during the winter months furnishes in great measure the supply of water for the steady flow of streams. The greatly reduced amount of water available for irrigation during the season from January 1 to June 30, 1902, was obviously caused by total lack of snowfall during the winter months.

The difference in the snowfall between 1901 and 1902 makes it very plain as to the uncertainty there is in the amount of snowfall on which irrigation so much depends.

As I think has been stated before, irrigation is not a new enterprise in the Territory of Arizona. Centuries ago some progress had been made along these lines by the Indians and those who preceded them; but the best system, as all concede, is that at Phoenix.

Now, there is this fact in connection with Arizona that I wish to state. The total irrigated area now is only 185,396 acres, although irrigation has been going on under American control for thirty-nine years; and all that is under actual cultivation, including the Indian lands, is only 254,521 acres. The total amount of land improved, exclusive of Indian lands, is 227,890 acres.

It appears to have been the case at Phoenix that very much more land had been provided with canals than could be supplied with water.

Mr. Fowler, the gentleman to whom I have referred, states that, while at Phoenix water had at one time been supplied for 250,000 acres—

This last year we did not irrigate in this valley exceeding 90,000 acres—90,000 to 100,000 acres. (P. 138.)

Speaking of his own property, he says he had 280 acres that he did not put water on at all for three years, because he did not have it; that he was paying for 160 acres of water, but that he did not put more than 40 acres under water, because he lacked the water. So, even at Phoenix, in a place where irrigation is carried on at its best, we find that when a landowner had purchased and paid for the right to use of water for 160 acres, he could obtain water for only 40 acres.

The result of this is certain loss; and Mr. Fowler, whose testimony was given with so much intelligence that I wish to refer to it again, states, on page 139, that a considerable acreage of oranges and grapes of his own which he wanted to save was lost; and that is true of other orchards at Phoenix.

Professor Newell says——

Mr. BEVERIDGE. The Senator said he was going to quote from Mr. Fowler's testimony.

Mr. BURNHAM. Yes; I have quoted what he said about a considerable acreage of oranges and grapes, which he wanted to save, but lost.

Mr. BEVERIDGE. For the want of water?

Mr. BURNHAM. Yes; and I think there is a further statement later on in the testimony.

Mr. BEVERIDGE. To use his expression, if I remember it correctly, "Water is king."

Mr. BURNHAM. Yes.

Mr. BEVERIDGE. And that they could not do anything without water.

Mr. BURNHAM. That appears in Mr. Heard's testimony.

Mr. BEVERIDGE. If the Senator will permit me, the whole situation as put by the Senator from Utah [Mr. RAWLINS] is that everything of their present prosperity and growth depends upon the perfection of the system of irrigation. Nobody doubts that if that should be perfected—though that is a question for the future, and Professor Newell testifies upon that point—a great deal of the land there may be brought under cultivation—though a very small fraction compared with the entire area of the Territory. That is stated in the committee's report, and it has been stated in the course of the debate, and privately by some of the Senators, that the Senator from Vermont [Mr. DILLINGHAM], in his speech, argued that there are conditions there which preclude any development at any time in the future. It is just the reverse of the situation as claimed by that Senator; and all of us on this side of the statehood question agree that the question of development in the future, just as the question of present prosperity, depends upon the conservation of water, and the conservation of water is a very large undertaking. It involves the expenditure of great sums of money; it involves a very considerable period of time.

Now, suppose that should be a failure—Professor Newell testifies that it is speculative, and we all of us most earnestly hope that it will be a success—but suppose it should not be a success; suppose there are not enough flood waters in the Salt River or the Gila River to make it a success—and that is the testimony of the Director of the Geological Survey, who says it is problematical—then we should perhaps have the condition that we had in Nevada, where, when the mines were exhausted, the population decreased.

I call attention to the fact at this point that I learned the other night in private conversation with a Senator who was here at the time Nevada was admitted that Nevada came here with a great and powerful delegation—and I call the attention of the Senator from Ohio to this—that there came here from Nevada the year Nevada was admitted a large delegation (I think the Senator heard the same conversation that I heard), with figures to show that Nevada had a population of 90,000 and a voting population of 40,000, and upon that representation claimed admission, when, as a matter of fact, the census showed that Nevada had a population of something over 6,000; then it grew to 60,000; and then, with the working out of the mines, it decreased to its present size, something over 40,000, with 18,000 voters; which shows that

if it be true that irrigation, which Professor Newell says is problematical, or at least a question for the future, should happen to be a failure down there—and it is not a success yet, except in a limited way—then the same thing which has occurred in Nevada will occur in Arizona.

Mr. SPOONER. Will the Senator permit me to introduce some figures?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. In the territory acquired by the treaty of Guadalupe Hidalgo there were 110,700 square miles. When Nevada was admitted, October 31, 1864, she had a population of 6,857.

Mr. BEVERIDGE. Yes; and they claimed 90,000.

Mr. SPOONER. I do not know what they claimed. Did they claim 90,000?

Mr. BEVERIDGE. They did; and it was stated in the presence of the Senator from Ohio [Mr. FORAKER] and myself the other night by a Senator who was then a member of this body that delegations came here when Nevada applied for admission claiming that they had a population of 90,000 and a voting population of 40,000.

Mr. SPOONER. In 1890 they had a population of 45,761 and in 1900 a population of 42,335.

Mr. BEVERIDGE. Showing a decrease.

Mr. SPOONER. Showing a decrease since the State was admitted into the Union thirty-eight years ago.

Mr. BEVERIDGE. Showing that statehood has not increased the population.

Mr. SPOONER. Showing that area does not constitute the necessary qualification for statehood.

Mr. BEVERIDGE. Yes; and in the poem describing "what constitutes a State" it is nowhere stated that mere square miles constitute a State.

Mr. SPOONER. And also showing how dangerous it is to admit into the Union a Territory in that region upon the assumption that statehood will take to it adequate population which it does possess as a Territory.

Mr. BEVERIDGE. Yes; and that is the very point that I tried to bring out with reference to what the Senator from Ohio so well said this morning, that the ordinance of 1787 was the inducement which brought immigration to Ohio. I admitted that was one inducement. The other inducements for immigration were, as I pointed out, the natural conditions of the soil, the water, the rainfall, and all the human conditions. Those are the real things.

Mr. President, that brings us to the point made by the Senator from Utah [Mr. RAWLINS], to wit, that statehood would in some mysterious way bring population to those Territories. Has statehood brought population to Nevada? On the contrary, the Senator from Wisconsin [Mr. SPOONER] has shown that its population has descreased in spite of statehood, simply because there was not any place for the people comfortably to live, except in the Reno Valley and other irrigated portions of the State. There are in Nevada 110,700 square miles. Anybody who has been over the Southern Pacific road, which is the only railroad running across the State—and that brings me to a point that I want to animadvert upon right here, although I intended doing so when I was answering the Senator from Ohio the other day—knows the character of that soil.

In that immense territory the population—and there are scores of cities in the State of the Senator from Ohio and in most of our States having a larger population than the total population of the State of Nevada—amounting to some 40,000 inhabitants, are mostly confined to a little area where there is water, where the soil is fertilized and vitalized by water, and where they can raise something to eat. Those valleys are beautiful and productive, but very small. Simply because you put the ægis of statehood over 110,000 miles of territory which is arid does not bring people there. Men are not going to take their wives and families and settle down on the bad lands of Nevada just because you call it a State. They go where they can have plenty; they go where they can have comfort; and when the conditions which bring comfort and plenty disappear, people leave. That is why it is that we find that the population of Nevada has decreased, because there were mining camps there which unfortunately filled with water, and I am sorry they did, and others which gave out, and I am sorry they did; and when they gave out, the conditions which brought population passed away, and when the reason for population passed away, the population passed away. Did statehood retain it? If statehood did not retain it, how will statehood bring it?

Mr. HANSBROUGH. Mr. President, will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. BEVERIDGE. Certainly.

Mr. HANSBROUGH. We people in the West are a very hopeful people. A year ago, or a little less, Congress passed a national irrigation law, and we of the West are hopeful enough to believe that the time is not far distant when there will be an addition to the population of Nevada as a result of the operation of that irrigation law.

Mr. BEVERIDGE. May I ask the Senator a question right there?

Mr. HANSBROUGH. I yield to the Senator.

Mr. BEVERIDGE. Just at that particular point I would ask the Senator a question. Suppose Nevada was not now a State, would the Senator vote for Nevada's admission upon the hope that the irrigation law would at some future time people it, or would the Senator wait until it was peopled?

Mr. HANSBROUGH. I would vote for the admission of Nevada if I thought she had the population, and the——

Mr. BEVERIDGE. Just as she is?

Mr. HANSBROUGH. And prospects which warranted her coming into the Union as a State.

Mr. BEVERIDGE. No; that is not my question. I say to the Senator, take Nevada with its present population and its present circumstances, would he vote now for its admission as a State if it were now a Territory upon the hope that at some future time the national irrigation law would bring a larger population? Would he do that?

Mr. HANSBROUGH. Mr. President, I did not rise to be cross-questioned in this manner.

Mr. BEVERIDGE. I beg the Senator's pardon.

Mr. HANSBROUGH. If the Senator will allow me——

Mr. BEVERIDGE. I will not interrupt the Senator further.

Mr. HANSBROUGH. I rose merely to state that those who favored the national irrigation law were hopeful that the time would come, and that it is not far distant, when there will be an addition to the population of Nevada of twenty-five, and perhaps fifty, thousand people in the Humboldt Valley as a result of the operations of the irrigation law.

Mr. SPOONER. Will the Senator from North Dakota allow me to ask him a question?

Mr. HANSBROUGH. Certainly.

Mr. SPOONER. Does the Senator think we ought to admit States on hopefulness of the operation of the irrigation law?

Mr. HANSBROUGH. The condition of Arizona is far different from the condition which the Senator from Wisconsin and the Senator from Indiana have described as existing to-day in Nevada.

Mr. STEWART. Has that been described?

Mr. HANSBROUGH. It has been described to the detriment of Nevada.

Mr. STEWART. Then it was described by somebody who knew nothing about it.

Mr. HANSBROUGH. Probably so. I can not vouch for the knowledge of the Senators who have described it.

Mr. SPOONER. I do not think the Senator will say that when he learns who it was who described it. I called attention to the fact that Nevada was admitted October 31, 1864. I also called attention to the fact that the population of Nevada at the time of admission was 6,857. I think that is a mistake.

Mr. STEWART. That is a mistake.

Mr. SPOONER. I also called attention to the fact that in 1890 the population was 45,761, and that the population in 1900, according to the Twelfth Census, was 42,335; and that the area in square miles is 110,700. That was all I desired to say, but the Senator from North Dakota [Mr. HANSBROUGH] was saying that he thought the irrigation law would probably very greatly increase the population of Nevada.

Mr. BEVERIDGE. We all hope that is so.

Mr. SPOONER. And the very great wealth of Nevada, which is now being developed, will also have the result, I hope, to increase the population of Nevada.

Mr. STEWART. Will not the Senator from Indiana indulge me a moment? Somebody who knows something about this subject ought to be heard concerning it.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. BEVERIDGE. Yes, I will yield to the Senator from Nevada in a moment; but first let me complete the statement. The Senator from North Dakota said statements had been made to the detriment of Nevada. A statement was made by the Senator from Wisconsin and I added a statement that merely because it was called a State was not a fact which would induce a man to take his wife and children and put them down there in any portion of a Territory where there were not human conditions, where they did not have water and could not raise food and could not raise herds. I suppose the Senator will admit that the mere fact of statehood would not do that.

Further, and then I will yield to the Senator, I want to know if it is not the Senator's own opinion, ratified by the Senator's

past able and statesmanlike acts in this particular, that Nevada ought to have been annexed to Utah or to California or to some other State? Did not the Senator himself make efforts in that direction?

Mr. STEWART. I never suggested and never thought of annexing Nevada to Utah, but I was willing that Utah should be annexed to Nevada. [Laughter.]

Mr. BEVERIDGE. The Senator was willing that they should be joined?

Mr. STEWART. After I came to the Senate I took steps in that direction to the extent of trying to add a part of the Territory of Utah to Nevada after it had become a State. I was anxious to have the northern portion of Idaho annexed to Washington and the southern portion to Nevada, and I drew a bill, which was introduced here and reported when I was not in the Senate, having come on here for that purpose, and it passed both Houses, annexing the northern portion of Idaho to Washington and the other part to Nevada.

Mr. McCUMBER. Will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. STEWART. I only have a moment myself, but I yield.

Mr. McCUMBER. I want to present another question that was presented to my colleague, the Senator from North Dakota [Mr. HANSBROUGH], and which has been transferred for answer to the Senator from Nevada. The question was whether or not he would vote to admit Nevada as a State if he had to vote on it to-day?

Mr. STEWART. I would to-day, but I would not have done it at the time it was admitted.

Mr. BEVERIDGE. Although the Senator at that time was one of those who asked for its admission?

Mr. STEWART. No.

Mr. BEVERIDGE. Was the Senator not one of the first Senators from Nevada?

Mr. STEWART. Yes.

Mr. BEVERIDGE. A Senator who was here at the time of the admission of Nevada described to me the Senator's very able and enthusiastic efforts in that direction.

Mr. STEWART. No; not in that direction.

Mr. BEVERIDGE. Was the Senator against it?

Mr. STEWART. I took no action.

Mr. BEVERIDGE. The Senator was willing?

Mr. STEWART. I was willing when the considerations were presented, but I was not willing until there was an enabling act passed, and it was represented that it was necessary for Nevada to be admitted in order to carry out the reconstruction legislation which was then contemplated. Nevada did then adopt a constitution and came in under the invitation of Congress, but nobody ever came here and asked for admission at all. It was never suggested.

As to Nevada, at the time it was admitted it had a greater population than 60,000. What was the date of the census from which the Senator from Wisconsin read the figures?

Mr. SPOONER. The figures I read were for the year of Nevada's admission into the Union. According to the book from which I read, the population was 6,857, but I think that is an error.

Mr. STEWART. That is an error. In 1864 there was a great addition to the population of Nevada, which amounted to upward of 75,000.

Mr. BEVERIDGE. It was claimed that there were 90,000 people there.

Mr. STEWART. There might have been 90,000. At any rate, there were more than 60,000 people there in 1864. The one town of Virginia City was estimated at that time to have twenty-five or thirty thousand people.

Mr. BEVERIDGE. How many are there now?

Mr. STEWART. In that town four or five thousand.

Mr. BEVERIDGE. Is that a mining town?

Mr. STEWART. It is. Now, will the Senator from Indiana allow me to go on with some statements?

Mr. BEVERIDGE. That is very interesting.

Mr. STEWART. It would be more interesting if the Senator would allow me to go on.

Mr. BEVERIDGE. Very well.

Mr. STEWART. This was a mining population. People went there for mining purposes, and nobody but miners and stock raisers and a few people engaged in raising garden truck were occupied in any industrial pursuits in that country. The mines were silver mines, and the first prospecting in Nevada was for mines of the same character as the Comstock, containing what was known as free milling ores, and the State was pretty thoroughly prospected for free milling ores. They did not think of dealing with ores that had to be treated. Such ores could not then be so successfully worked as now because the processes of production had not been developed.

In this condition of the industries of Nevada silver was demonetized and the miners of that State were practically discouraged from prospecting for silver mines. The Comstock mines contain both gold and silver, as do other mines, but after the demonetization of silver, even the Comstock mines became less productive, and then thousands of miners, instead of going into Nevada to prospect, went into other countries. That made the population less.

Then we had another unfortunate condition of things in Nevada. The speculators in San Francisco who dealt in Nevada stocks found it to their interests to confine it to the Comstock, and they proclaimed in the newspapers and around the hotels that there was nothing in Nevada but the Comstock. Of course they made largely by it. It was one of the grandest trusts in a small way ever organized. They have collected for the last 25 years, an average, I suppose, of $500,000 a year from the laboring classes in the way of assessments. They have adopted all sorts of devices to lead them on. Those people have been paying assessments, and they do not want to give up their stock. All this gave Nevada a very black eye. It was said that there was nothing in Nevada but the Comstock. I seldom replied to it, although occasionally I did.

Finally, several years ago, men from the East, from Philadelphia and from other places, from Utah and from Colorado and from Montana, commenced to prospect in Montana, and they have found mines in almost every county in the State. The Tonopah mines constitute probably the greatest discovery made in the last ten years anywhere; and people are going there now. So great was the prejudice against Nevada, created by the Comstock dealers and the press interested in it (because they always published the Comstock assessment notices; the papers were full of them; it was a good thing for them, and they kept it up), that no California miner came over to prospect, and none of them are engaged in these new mines. They are so prejudiced that they would hardly go there now. They say there is nothing in Nevada but the Comstock.

Nevada has had to contend against that. I believe there is no State in the United States which can exceed Nevada in mineral wealth, in gold, silver, copper, lead, and iron, salt, soda, borax, nickel, and almost everything in the nature of mineral wealth. It is scattered over the State very generally, in almost every part of it, as is now being shown, and in the last two years there have undoubtedly been 8,000 or 10,000 added to the population and it is increasing. Everybody in Nevada feels jubilant over the renewed prosperity; but they have not got over their old prejudice in California. They believe there is nothing in Nevada but the Comstock. They will not believe anything else.

There is another thing about Nevada: It has in the mountains some of the most beautiful valleys that exist on earth, with streams of water coming down, with a most delightful climate, a most fertile soil. They are scattered all over the State. They raise the finest fruits of every kind. They raise the finest vegetables of every kind. It has been confined to stock raising. The people could not do anything else. There are a good many rich men there in the stock business. The hills furnish very nutritious grazing—bunch grass. If you have a fresh abundance of bunch grass it will fatten cattle quicker than anything else. Stockmen have always done well there. But agriculture has always been neglected, for the reason that there was no market, except you raised stock and drove them away. When they ceased prospecting for free-milling and free-smelting ores and silver went to nothing, mining was greatly embarrassed. That was the condition. It has entirely changed. It is a mistake to think that Nevada is not a State of great resources, and the time will come when you will be proud of the State of Nevada as a State of great wealth and great resources.

Let me say here that it will take a great deal of evidence to satisfy me that, with the introduction of railroads and the use of irrigation, a hundred and ten thousand miles can be carved out anywhere in the temperate zone that is useless and will not support a pretty large population. I recollect very well when everything west of the Missouri River was regarded on the maps as the Great American Desert. After General Sherman made the treaty with the Indians on the plains, when he gave them so much land deliberately, I had a conversation with him, and he said he did not care how much land he gave them. He said he would like to have given them all west of the Missouri River—in fact, all west of Minnesota. It was good for nothing, he said. Now we see these States springing up there, and they are States to be proud of. In fact, he said: "I should like to give this all back to Mexico. It is not worth taking care of." That was after the war, when it had been traveled over. We heard that there was nothing in this country.

Before the Pacific Railroad was built, and when the first law

was passed, the question was discussed whether the country was good for anything. It was admitted that after you left the Missouri River it did not amount to anything, but it was claimed that it was important to bind the country together as a military proposition. It was said that the Western coast would secede and break off from this country, and that the railroad would bind them together; that the desert must be crossed; and then they wanted to know how much to charge for it.

They went to the Secretary of War to know what it cost to transport supplies for the Army, to take care of the Indians, etc., and to carry the mail across the continent. He reported eight millions a year. Then they figured that they would let it run thirty years, and that the Government service would more than liquidate the debt. That was the theory of it. It went two years. They could not proceed with it. They could not dispose of the bonds. So they reserved one-half of it, and they figured that would be enough in thirty years to liquidate the debt. The mail would be a bagatelle and the Indian business was done. They did not suppose the desert they were crossing would amount to anything. We now find there these great States. The Northern Pacific has been built, and it has developed a like line of great States in territory which was pronounced a barren waste; and the Southern Pacific has been built and it stopped the wars there. The Apache war used to cost about ten millions a year.

The road from Salt Lake to Los Angeles, in which the Senator from Montana [Mr. CLARK] takes such a prominent part, passes through southeastern Nevada where mines are abundant and agricultural lands extensive.

Mr. BEVERIDGE. Will the Senator from Nevada permit me?

Mr. STEWART. Certainly.

Mr. BEVERIDGE. How much does the Senator think the railroads in Nevada are worth to-day on a fair valuation?

Mr. STEWART. Oh, I do not know.

Mr. BEVERIDGE. You certainly have some idea as to the valuation of the railroads that cross Nevada.

Mr. STEWART. I do not know that I have.

Mr. BEVERIDGE. How far is it across the State? The Southern Pacific crosses the State.

Mr. STEWART. Let me see. I suppose it is something over three or four hundred miles.

Mr. BEVERIDGE. Three hundred miles. The Senator from Ohio [Mr. FORAKER] the other day gave data which is important just at this point. It was that the lowest estimate would be $30,000 a mile, and it was usually claimed these railroads cost perhaps $80,000 a mile. So you would have in Nevada an immense railroad property in valuation. What would you say is the taxable valuation of the railroad property, or the true valuation of the railroad property in Nevada?

Mr. STEWART. The railroad property is valued not according to the section or locality, but according to its length, its terminal facilities, and business. I would not be able to estimate the value of the property. That is not the only railroad we have. We have another railroad, 80 or 90 miles, to Eureka; another one to Austin, running south; then another, running from Reno about 150 or 200 miles down south. Then there is another from Reno running north, and more railroads will be built as more mines are opened, and things will be changed there as they have changed elsewhere.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. STEWART. Certainly.

Mr. SPOONER. The Senator from Nevada early in the last session introduced an amendment to the Constitution providing that—

> The judicial power of the United States shall also extend to all controversies in law and equity relating to the use of water, except where the water and the use thereof are in the same State.

The Senator made a speech which called attention to what seemed to him to be possibly a very serious legal impediment to the successful irrigation on a large scale, at least as to interstate streams. That amendment has not been acted upon. But the Supreme Court of the United States in the case of Kansas *v.* Colorado, on demurrer, rendered an opinion in which it leaves it very doubtful to what extent one State may utilize for irrigation purposes water flowing through that State into another State.

In that case it was claimed by Kansas that the irrigation laws and grants of Colorado have operated to very greatly diminish the flow of a river running from Colorado into Kansas. Remedy was sought by injunction. On demurrer the Supreme Court of the United States held, as the Senator from Nevada will remember, that the bill stated a case.

Mr. STEWART. Yes.

Mr. SPOONER. So that question, I want to say to my friend the Senator from North Dakota, has yet to be settled, and it is a very crucial question as to the availability of interstate rivers for irrigation purposes. It has become a very important factor.

Mr. STEWART. I am somewhat familiar with the history of water rights where irrigation and mining are concerned. The waters of the rivers of California were largely diverted in early times to work the placer mines. Persons owning lands in the beds of the streams contended that under the common law such diversion was illegal, and that they had a right to the full flow of the water over their land. The courts of California considered the question in all its bearings. They held that under the principle of the common law in a country like England, where there was an abundant rainfall for irrigation and where it was to the interest of all concerned that the water should continue to flow in the beds of the streams, that it was unlawful to divert it, because the interests of the country would be injured and not benefited by such diversion, but that in a mining and arid country like California it was absolutely necessary to divert the water for both mining and agricultural purposes; that the same principle which required the water to remain in the channels of streams in England, because it was its appropriate use, required its diversion in California where its appropriate use was for mining and agriculture on lands distant from the flowing waters. I still believe that a proper application of the common law should have reference to the conditions. When conditions are changed and a different use is required, the principles of the common law should conform to such changed conditions. I think the supreme court of California was wise in conforming its decision to the conditions of that country.

Mr. SPOONER rose.

Mr. STEWART. At the time I offered that proposed constitutional amendment read by the Senator from Wisconsin I knew of the controversy existing between Kansas and Colorado, and between several of the mountain States where interstate streams existed, and I foresaw long litigation and perhaps the destruction of a vast amount of property if the principle did not prevail, and that was the reason why I introduced the amendment.

I think the United States courts should be given jurisdiction of interstate water rights, and I think the courts should be sufficiently enlightened to apply the common law to the conditions which exist. Remember that the common law is but a system of principles, and changes and adapts itself to different circumstances and conditions; and if there is any similarity in the conditions for the use of water in a country like England, where they have abundant rainfall, and in an arid country, then I do not know it. The conditions are as different as day and night. A man who will apply the common law as to water rights to an arid country has not studied the principles underlying the law. What the Supreme Court may decide I do not know.

Then, again, there is great difficulty in getting parties before the court, so that it can determine the case. Here is the water right in one State. They have a large population which has grown up and thousands of people are engaged in their occupations. They use the water. The people in another State above it take the water away from them. They can not fairly go to that other State, because there are always objections there of local prejudice. They can not sue in their State, because the other parties do not live there.

The Congress has already taken action with regard to the use of water in the arid region. In 1866 nearly all the land west of the one hundredth meridian and east of the valley of California, except a few Mexican grants, belonged to the United States. When I was engaged in fighting the battle of the miners in Congress and contending for a recognition of their rights under the mining laws which they themselves had created, and when the property of more than a million American citizens was in jeopardy by a movement to confiscate the rights of the miners of the West by selling the mines at auction for the purpose of carrying on the war, the question of water rights incidentally arose. In 1851 Judge Field secured a provision in the California code to the effect that the rules and regulations established and enforced at the bar or diggings might be offered in evidence, and when not in conflict with the laws of the State or of the United States should govern the decision.

Mr. BEVERIDGE. Does it not go even further and include terms such as "veins appearing on the surface," "veins below the surface," not as interpreted by dictionaries, but as understood by mining usage and the common understanding of the miners? In other words, the whole mining law depends, as the Senator says, and even further than the Senator says, upon the common understanding among the miners as to what they mean.

Mr. STEWART. The common usage among the miners.

Mr. BEVERIDGE. Yes.

Mr. STEWART. I presided over the convention that made the first rule as to what a "vein" meant. All we had were some small veins. We invented a way of describing them by declaring that a man might take so many feet along the vein or lode with all the dips, spurs, and angles, and based upon that the mining laws spread all over the country.

In 1866 there were a million and a half people who had their rights predicated upon the usages that sprung up in that way. We had a great fight over it in the Comstock. There is no need to go into those details. But Congress had something to do with these ditch rights in addition to what they did in regard to mining rights.

Mr. QUARLES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. STEWART. Certainly.

Mr. QUARLES. If it will not interrupt the Senator from Nevada, I should like to ask him if in the preparation of his constitutional amendment he also had in mind a great variety of decisions in the different Western States independently of the interstate-river feature?

Mr. STEWART. Yes, sir.

Mr. QUARLES. I should like to ask the Senator, for no one is better qualified to answer than he, what probability there is of ever obtaining any harmony in system among these different States regarding the matter of water rights?

Mr. BEVERIDGE. Without the Senator's constitutional amendment?

Mr. QUARLES. Without the Senator's constitutional amendment.

Mr. STEWART. I think it would be very embarrassing without the amendment.

Mr. QUARLES. Have not those rights accrued and those holdings been had with special reference to particular uses that each State had for the water?

Mr. STEWART. That is true.

The question of the right to divert water on the public lands was provided for in the act of 1866, which confirmed the rights of miners according to their local rulings established and enforced throughout the mining regions. After a lengthy debate the Senate decided that the rights of miners, which had grown up without legislation and had been molded into form by judicial decisions, should be respected. A bill passed the Senate for that purpose and went to the Committee on the Public Lands in the House. In the meantime Mr. Julian, of Indiana, who was chairman of the Committee on the Public Lands, had been instructed by the House to bring in a bill to sell all the mines of the West at public auction to aid in the prosecution of the war. In order to advance the mining bill in the House, I suggested to Mr. Higby the propriety of urging the passage of a bill he then had in charge granting the right of way for canals and ditches over the public lands for mining and agricultural purposes. He accordingly called up the bill and it was passed. On my motion the Senate amended the bill of Mr. Higby by adding thereto the mining bill which had already passed the Senate. The title of Mr. Higby's bill was not changed, and that accounts for the peculiar title of the elaborate mining bill of 1866, which is "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes." This law of Congress changed the rule in the Territories then existing with regard to the use of water. Instead of requiring the water to remain in the beds of the streams Congress expressly authorized its diversion. There can be no doubt that Congress had power to pass this act, because both the land and the water were then the property of the United States.

Since Congress authorized the diversion of the waters on the public lands for mining and agricultural purposes there has been no question among well-informed lawyers of the right to divert water in the arid region, nearly all of which was public land in 1866. The confusion which now exists arises from the different conditions in the East and in the West. In the West the water must be diverted in order to use it for irrigation and mining purposes or the country must be abandoned; in the East the principles governing the use of water in England are not altogether inapplicable. It is very evident where such conflicting conditions exist that there ought to be a common tribunal to harmonize the decisions. The common-law principle requiring the water to flow in the bed of the stream and not to be diverted is entirely inapplicable to the region where necessity requires its diversion. In other words, it is not applicable at all.

Mr. SPOONER. Will the Senator from Nevada allow me?

Mr. STEWART. Certainly.

Mr. SPOONER. The Senator will remember that in one very marked instance the courts of this country, holding the rule of the common law inapplicable to conditions in this country, held that the test was the test as to the navigability of streams. The rule in England was the ebb and flow of the tide.

Mr. STEWART. Yes.

Mr. SPOONER. But as we have internal rivers, hundreds of miles in extent, the courts held that that test was not applicable here. Otherwise the principal rivers of the country would have been nonnavigable, according to the common law. Our courts held that the test in this country, having regard to our physical conditions and necessities, is the fact of navigability.

Mr. STEWART. That is the principle underlying it. That is precisely analogous and precisely in point. Where people could not live with the water in the streams, they are not going to destroy the people for the sake of applying an inapplicable rule. The courts are not going to do it, and if we can get this thing properly understood throughout the United States (and it is now pretty well understood in the arid regions) it will be all right. The only trouble is that these States are a little jealous of each other, and they will not give them a fair show sometimes. I do not fancy that the people of Kansas would have a very fair show in Colorado fighting for water, and I do not suppose, if they had the suit in Kansas, Colorado would have a very good show.

Now, Colorado is differently situated from any other State in the arid region. It does not need that amendment, and the Senator from Colorado [Mr. TELLER] was very much opposed to it, because no streams run into Colorado. They all run out of it. In it are the headwaters of thirty or forty streams running in every direction, and they want to keep the water up in that country and to disregard what is done with streams after they utilize them, which is unfair. That is the situation in Colorado. There is not any other State so situated. In Colorado the water runs out of it in every direction, and consequently they would like to have the privilege, after population is settled in another State, of drying up the water there and cultivating some more land in their State, on the theory that there is not enough water in Colorado.

Now, as to the quantity of water, we have heard a good deal said about the quantity necessary to make a country prosperous. Few people can realize how irrigation grows—how the fact of irrigation creates more land. I think there is no prettier illustration of that than in northern Utah. There are four or five cities along upon the road which goes up to Montana. I was on that road some forty years ago, before there was any railroad and before there was much population. They were called cities then, and they would have probably two or three thousand inhabitants in them. There would be from half a section to a section of land cultivated and all the water was used. We thought that was the limit. Now, if you go up there you will find large cities, and the whole country from one city to another is fertile and cultivated. When water is put upon the land it becomes absorbed. At first the land becomes compact and moist and you cover it with vegetation, and then it takes very little water, and as time goes on its fertility increases immensely.

Mr. BEVERIDGE. And another element, it takes some time for the water to soak, and then also evaporation has been going on in the meantime. It takes some time also, for the atmosphere is at work, to become impregnated with moisture, and that stops the evaporation, just as the soaking of the soil stops the waste of water there. So the saturation of the atmosphere is also another element.

Mr. STEWART. To some extent. By covering it with vegetation, with a little stream of water you can make a home for people. That is the case in Nevada, where there are little valleys all over the State. There are hundreds and perhaps thousands of them. There will be a little stream of water and they have stock raising there, and that is about all they can do now because they have no market. But in those little valleys as the population increases and as the local market increases the land will be utilized. There will in time be a large area of Nevada in the very highest state of cultivation.

The products of an arid country like Nevada are very superior. The potatoes grown there take the first prize at every fair wherever they go, because the people understand irrigation and they irrigate exactly at the right time. Then there is a good deal of alkali in the water, and the potatoes are just like those raised in a piece of ground which has just been been cleaned off. In that way the fruit is fine, and Nevada is capable of sustaining a large population, although it will take some time. It is increasing now very rapidly.

I have stood here a long time and I have heard Nevada used as an illustration. I think it is unfair. Nevada did not ask to come in. It was brought in. Nevada has taken care of herself. She has carried on her government, and has had good government, and the people are satisfied, and they are now full of hope. They will feel very much chagrined and hurt to have their resources disparaged after so much has occurred, for the press of California has been saying that there is nothing in Nevada after the Comstock, and that has injured Nevada very much. But people are coming in from every State in the Union and adding to the population, and helping to develop the resources of the State. The Nevadians feel proud of their State, and I tell you Nevada is not going to be any detriment to the United States. The Comstock alone has produced $600,000,000 of gold and silver, nearly half gold, and the silver was mostly produced when it was as good as gold.

Mr. BEVERIDGE. Of course, it would have produced that if it had been a Territory.

Mr. STEWART. I do not know—not so easily; not so well. When it was a Territory they labored under the condition of a bad judiciary.

Mr. BEVERIDGE. That is a condition which was undoubtedly true at that time; but everyone who has spoken upon this question has admitted that the former condition, a bad judiciary, owing to the appointment of broken-down politicians, has passed away.

Mr. STEWART. We have not had a scandal about judges in the State since she became a State.

Mr. BEVERIDGE. Did I understand the Senator to say that he had the whole judiciary to resign at one time?

Mr. STEWART. They did resign.

Mr. BEVERIDGE. That is a piece of information which is, of course, very interesting, but it does not occur to me——

Mr. HALE. What became of those judges?

Mr. STEWART. I think they are pretty much all dead now.

Mr. BEVERIDGE. May I ask the Senator why he had them resign?

Mr. STEWART. Unpleasant affidavits were in existence.

Mr. BEVERIDGE. The nature of the judiciary in the Territory has been referred to here three or four times and we have contended that that bad condition has passed away.

Mr. STEWART. It never will pass away.

Mr. McCUMBER. I should like to ask the Senator from Nevada one question. What assurance will we have, as long as the Territorial condition is maintained, that it will not recur again at some future time?

Mr. BEVERIDGE. Will the Senator permit me to answer the question?

Mr. McCUMBER. We can not certainly guarantee a Territory against its return.

Mr. BEVERIDGE. I will answer the Senator's question in a little while. I do not want to interrupt the Senator from Nevada.

Mr. HALE. In other words, the suggestion of the Senator is that one reason for admitting a Territory as a State is that as a Territory it will continue with corrupt judges?

Mr. STEWART. Let me answer that. I undertake to say that the officers sent into a Territory are not as a rule as good as those the people would elect, from judges down. There has been scandal in all the Territories while they were Territories. There have been very serious ones in Idaho and in nearly all of them. I believe Washington is the only Territory which was comparatively free from scandal, but to my knowledge it comes from all the Territories all the time, more or less.

Mr. HANSBROUGH. We never had any scandal in North Dakota.

Mr. STEWART. You did not remain a Territory long enough.

Mr. BEVERIDGE. Too many people came there.

Mr. STEWART. You did not have to depend on mining and irrigation at the start. It was simply an agricultural country.

Mr. SPOONER. Mr. President——

Mr. STEWART. There were no great law cases at stake in that Territory.

Mr. BEVERIDGE. It was a fertile country, and so many people came in there.

Mr. STEWART. We have a larger population in our towns, I think, than there is in the towns of North Dakota.

Mr. BEVERIDGE. You have a larger population in Nevada than in North Dakota?

Mr. STEWART. I said we have larger towns than they have in North Dakota.

Mr. BEVERIDGE. Not a larger population?

Mr. STEWART. Not in the whole State.

Mr. HANSBROUGH. We had a very small population in the Dakotas until they came into the Union as States.

Mr. BEVERIDGE. They had from 500,000 to 700,000 in the Dakotas put together.

Mr. STEWART. In North Dakota?

Mr. BEVERIDGE. In the Dakotas put together they had something like 700,000 before they came in as States. In South Dakota they had between 350,000 and 400,000. If I am wrong the Senator from North Dakota will correct me.

Mr. HANSBROUGH. The Senator is entirely mistaken.

Mr. BEVERIDGE. How many did you have? I have the figures down stairs.

Mr. HANSBROUGH. Something like 35,000 or 40,000 in North Dakota prior to statehood.

Mr. BEVERIDGE. At the time of admission?

Mr. HANSBROUGH. We had more than that. I do not remember the figures exactly, but we had not anything near 700,000.

Mr. BEVERIDGE. Does the Senator mean to say that the time North Dakota was admitted to the Union——

Mr. HANSBROUGH. We had a small number at that time.

Mr. SPOONER. Mr. President, I have the figures here.

The PRESIDENT pro tempore. It is impossible for the Reporters to correctly take down the proceedings when Senators do not address the Chair.

Mr. BEVERIDGE. I will merely say——

Mr. HANSBROUGH. I understand that the Senator from Wisconsin has the figures.

The PRESIDENT pro tempore. What Senator has the floor?

Mr. STEWART. I yield to the Senator from Wisconsin.

Mr. SPOONER. I addressed the Chair. Both South Dakota and North Dakota were admitted November 2, 1889, and it is stated here that they together had a population of 500,000—South Dakota 328,808 and North Dakota 182,719.

Mr. STEWART. It is perfectly obvious that in an agricultural country like the Dakotas, where they were both rich States, the conditions would not be like those in a mining country, where millions might be involved in one suit.

Mr. BEVERIDGE. I will state to the Senator——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. HANSBROUGH. I intended to say 140,000, instead of 40,000.

Mr. BEVERIDGE. The Senator from North Dakota now says it was 140,000. So there is no dispute between the Senator and myself.

Mr. HANSBROUGH. It was my intention to say 140,000 instead of 40,000.

Mr. STEWART. It is entirely immaterial——

Mr. DEPEW. May I ask the Senator from Nevada a question?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from New York?

Mr. STEWART. I yield to the Senator from New York.

Mr. DEPEW. I have not heard the whole discussion, but when I came in I judged that the contention was that statehood necessarily led to an increase in population. I should like to ask the Senator from Nevada if that has been the result in Nevada?

Mr. STEWART. That is another lick at Nevada. I expected it. If the Senator had been here I would have shown him what happened in Nevada. It was the California press who had the publication of assessment notices and wanted to make it appear that there was nothing in Nevada but the Comstock. They published it, and your papers published it here in the East, and that went on for some years. You demonetized silver, and that destroyed our principal industry. We will not stop to discuss any of those questions. That great population went away, and it was some time before we could commence to regain the population. But now people are coming into Nevada from every State in the Union. Nevada has much better prospects than it ever had before in its history. Nevada has agricultural lands enough, when they are utilized, to support a very large population—more than the population contained in many States whose Representatives are now here objecting to the admission of new States.

There is no trouble about Nevada. Nevada has taken care of herself. It has been no detriment to the United States. It has helped very much in carrying on the commerce of the country.

I recollect how differently I was received when I first came here. I met Mr. Lincoln. He took me by the hand and said, "I am glad to meet you. I have taken great interest in your country." He said, "It was the output of gold and silver from your country which has given the country credit and enabled us to carry on the war. I hail you; I am glad to meet you;" and he took me by both hands. He spoke in encouraging terms.

That was the feeling when Nevada came in. You invited us. We did not come of our own accord. We were then contributing largely to the wealth of the country. The Comstock lode contributed, as I remarked, $600,000,000; the Eureka $150,000,000, and the other camps have produced smaller amounts, but they have produced a great deal. Nearly a thousand million dollars have been produced in Nevada. It has gone into commerce and helped to sustain the credit of the country. You contributed nothing to us. No appropriations have been made for Nevada. It has been no drag upon the country. But because circumstances prevented its natural and legitimate growth for a term of years, people sneer at Nevada. I tell you the people are mistaken who attempt to make it appear that there are 110,000 square miles of land anywhere in the United States in the Temperate Zone not capable of supporting a population sufficient to make a State equal to a large number of States in the Union. You underrate it. There has been too much said in disparagement of our Western country.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. STEWART. Certainly.

Mr. SPOONER. If the Senator will pardon me a moment, if he had heard what was said about Nevada before he came in the Chamber I am quite certain he would not have felt called upon to defend Nevada against any imputation which has been made here

to-day. I would not for the world make any utterance here which would reflect upon Nevada.

Mr. STEWART. I know the Senator from Wisconsin would not.

Mr. BEVERIDGE. And I did not.

Mr. SPOONER. Nor did the Senator from Indiana call attention to Nevada. No one can dispute that mere statehood without regard to area does not necessarily increase population.

Mr. STEWART. But it increases good government.

Mr. SPOONER. Undoubtedly that is true. One evidence of that is that they had the wisdom to send the Senator here as a Senator with his colleague and to keep them here. That has been a valuable contribution by Nevada to the good of the country generally.

Mr. STEWART. I do not know about that.

Mr. SPOONER. I thought sometimes, not always, but generally. However, I merely rose to say that if the Senator labored under the impression at all that Nevada had been attacked——

Mr. STEWART. Not at all.

Mr. SPOONER. Or that Nevada had been depreciated in any way here, he is mistaken.

Mr. STEWART. I rose to repudiate the idea that Nevada is an argument against the admission of other new States. The admission of Nevada was a good thing. Nevada has contributed her full share, according to population, and vastly more, to the general prosperity of the country, and she has cost the Government nothing. No national expenditure has been made in Nevada. She has got no rivers and harbors to improve. No appropriations have been made for Nevada of any account whatever.

Before most of the Territories became States they had their Territorial buildings erected. There were none built for Nevada. It is true that the Government has erected one public building in Nevada since then, and a bill has been passed to erect another public building in Nevada at a cost of $60,000; but Nevada has not been a drag. She has been paying money into the Treasury of the Government and receiving nothing from it particularly. She has a good government, and she has gotten it at home. She got the resources after her admission to make an important State, and she has a good country as soon as she gets a market, and people will be delighted to go into those valleys in time. But there is no market now. Her products are not needed in California. It is like carrying coals to Newcastle. It is too far to transport them East. But the time will come when those valleys will be needed, when they will have a market at home, and when the mineral resources will be developed; and Nevada will be a State with a fine population in time.

As to the Territories that you now so much despise you will be astonished in a few years at the position they will occupy. Take Arizona, for example. There will be a much larger population there some day than they have now. There are ruins everywhere there showing where people had lived in a former age of the world, and when the waters of Arizona are utilized and when the mines are further developed it is going to be a prosperous and a great State. Arizona is capable of maintaining a large population. New Mexico has her resources comparatively untouched. Enterprise is just going in there, and in a short time you will see a very great change in New Mexico. These will be good States, and you will be proud of them, and it would be better to get them out of a Territorial condition. It would be better to have the people satisfied. People are never satisfied in a Territorial condition. They want to elect their own officers.

Mr. President, I did not intend to make this talk. But I say that citizens of the United States are entitled to elect their own officers as soon as practicable. It is for their good and the good of the whole country.

Mr. QUARLES. Before the Senator from Nevada takes his seat I would be very much gratified, indeed, if he would give the Senate a little information on a practical question. In figuring the resources of the States where irrigation has obtained a very great variety of views seem to be entertained as to the amount of irrigable land that ought to be taken up by the head of a family. For instance, under the general irrigation act which we passed at the last session it is left entirely to the discretion of the Secretary of the Interior as to how much land the head of a family shall be permitted to take, and there has been quite a discussion among those who are not familiar with this subject as to the land under all the circumstances the head of a family ought to be permitted to take.

Mr. STEWART. Of irrigable land a very small amount. I have not the time to discuss it now, but I would advocate small farms of irrigable land.

Mr. QUARLES. What does the Senator call a small farm?

Mr. STEWART. From 100 to 160 acres; or 40 acres perhaps would be better.

Mr. HALE. I did not hear the Senator.

Mr. STEWART. I say 160 acres is a large farm, and 100 acres is a large farm to be cultivated by irrigation.

Mr. BEVERIDGE. And even smaller.

Mr. STEWART. Forty acres is better, but the farmer might need grazing land in the mountains.

Mr. QUARLES. Would not 20 acres be enough?

Mr. STEWART. Brigham Young fixed it at 20 acres when he went into Utah, and they did splendidly with 20 acres, but perhaps 40 acres would be better than 20.

Mr. BEVERIDGE. That is on the theory of intensive cultivation?

Mr. STEWART. Irrigation is intensive cultivation.

Mr. BEVERIDGE. It is partly intensive.

Mr. STEWART. It is intensive. If you irrigate properly and cultivate the land to make it profitable, it must be done intensively.

Mr. BEVERIDGE. Mr. President, the Senator from Nevada [Mr. STEWART] entered the Chamber while the Senator from North Dakota [Mr. HANSBROUGH] and myself were engaged in a colloquy. I had interrupted the Senator from North Dakota to ask him a question. He was making some observations. I do not know whether he is through now or not.

Mr. HANSBROUGH. I am.

Mr. BEVERIDGE. If he is, I will go on. The first thing I will state for the benefit of the Senator from Nevada, who did not hear the opening remarks of this colloquy in which the Senator from Wisconsin [Mr. SPOONER] and myself and the Senator from North Dakota engaged, is that there was no reflection whatever upon Nevada and its people. The Senator from Wisconsin has said that no such reflection came from him, and I say that no such reflection has come from me.

Mr. SPOONER. I added that.

Mr. BEVERIDGE. Yes; you did add it. I further say that I know many of the people of Nevada. I have very great friendship, individual friendship, for many of them, and a great affection for many of them; and I think very highly of them as a mass, I will say to the Senator from Nevada.

Mr. HALE. Does the Senator say that he knows almost all the people of Nevada?

Mr. BEVERIDGE. No; though it would not be a great tax on my memory. No reflection was made whatever. I believe it is prohibited by the rules of the Senate to reflect upon another State in any event.

I will say for the benefit of the Senator from Nevada that the Senator from North Dakota perhaps misapprehended the remarks, because when the Senator from Nevada entered, the Senator from North Dakota, who was standing on his feet with myself, said to the Senator from Nevada that statements had been made concerning Nevada unfavorable to her, and the Senator from Nevada, of course very naturally and properly, came to the defense of his State—something that no Senator is to be blamed for doing.

But I will state for the benefit of the Senator from Nevada that the thing came about in this way: I interrupted the Senator from New Hampshire [Mr. BURNHAM] in the course of his able address upon the subject of the increase of irrigation in Arizona, and became engaged in a colloquy with one of the Senators here upon the possibility, which I think is very probable at some future time, of the increase of that irrigation and the increase of the population accordingly. But it was said in case that should fail (and it is a speculative matter, as the testimony shows) and the State was already admitted, we would then find a condition where the things we had expected to occur did not occur, and that instead of having an increasing population, if irrigation did not prove a success in a large measure we would have necessarily a decreasing population, for the reason that the chief industry was mining, and unless irrigation could be increased the chief industry must continue to be mining, and that as soon as the mines were exhausted the population would decrease in exact proportion to the exhaustion of the mines.

Some reference was then made to the decrease of the population of Nevada, and the statement was made as a necessary sequence that the mere fact of statehood had not made an increase in the population of Nevada; that natural conditions must exist; that merely because you throw over land where no people can live the name of a State, people are not going to move where they can not live in comfort. So that was the reason why Nevada came into the discussion at all.

On the contrary, I think the Senator will find if he looks at the RECORD that very complimentary mention, indeed, was made of the beautiful valleys of Nevada. I have been in that State and I have been through that State. Of course, no person is going to paint in words of fancy any particular productivity of the desert land of that State. All that the Senators from that State want, all that we want, all that anybody wants, is the mere truth to be told about it.

Nevada is very beautiful in many of its parts, in certain spots

very productive, and no person could wish more than I myself that all the dreams in which the Senator who has just quit the floor has indulged shall come true. I think that the Senator's amendment is a very wise provision. I thought so when he introduced it. I am not able to see how the serious consequences which the Senator sees from a conflict of State laws on the question of water are going to be harmonized without his amendment. I think it is a very wise measure, and I expect, unless I change my mind by reason of further thought and larger information, to support it when it shall come before the Senate.

But, Mr. President, this question has arisen, and it arose, I believe, out of the first statement of the Senator from North Dakota, who rose when I was making a remark with reference to a statement made by the Senator from New Hampshire that the people of the West are a very hopeful people. The Senator is not more of the West than I am myself. I, also, am of the West. That splendid people came in a larger measure and by a greater percentage from Indiana than any other State in the Union. They are blood of my blood and bone of my bone and flesh of my flesh. I do not permit the Senator from North Dakota to profess a greater affection for and belief in them and their good qualities than I myself entertain. But, Mr. President, I ask the Senator whether or not he proposes to build a State on hope. Had we not better build it on facts? Hope is not certainty. Hope may fail. But when your act as to the matter now pending here is done, it will be permanent; but your hope may not vitalize into a fact.

The Senator went on to say that they were very hopeful that irrigation would reclaim vast tracts of land out there. So am I. But the Senator admitted that it was a question for the future. Why, then, shall we not await the certainty of events upon that question before we determine an act which, when done, is done forever; for when a State is admitted it is admitted forever?

Mr. President, do we say, as might be inferred from what the Senator from Nevada [Mr. STEWART] stated, that even if admitted the people will not be worthy? Not at all. There have been some such words used in the course of this debate as "libel" and "misrepresentation" of people. I submit that is a misrepresentation of the committee's position. We have stated in our report, in more earnest language than has been used upon the floor of the Senate in debate, the excellent qualities of many of the people of Arizona and New Mexico. We have stated, too, all of the hopeful conditions of the future. The point made is that, in justice to the rest of the nation and to the maintenance of the vital principle of a democratic form of government, a rule of the people and not a rule of an area, the government by the people and not a government by square miles shall be preserved in the United States.

We do not mean to say that those people would not elect good officers, and all that, but we mean to say merely that their numbers are too few and their condition not yet sufficiently developed to justify them in a reasonable proportion with the rest of the people of the country in coming in and having equal voting power with the great State of Pennsylvania. Probably the town of Scranton—the Senator from Pennsylvania [Mr. QUAY] can tell me how much population it has—but I think certainly the city of Allegheny has a greater population than all this vast Territory of Arizona. Does the Senator think it is exactly fair to the rest of the nation that that meager population, however excellent, shall have equal power in determining all the policies of this great Republic for all time to come with the State of Pennsylvania? Is it to be argued from that, Mr. President, that we contend that it will have to be equal to the State of Pennsylvania before being admitted? Not at all. We contend merely that it shall bear some fair proportion to the population of the rest of the Republic.

The Senator from North Dakota [Mr. HANSBROUGH] was wrong about his figures. Perhaps I was a little wrong, too, but I was much more nearly right than he. The two States of North and South Dakota, when they were admitted, had a population of something over 500,000. It is not the case that Nevada had more people when admitted than North Dakota had. North and South Dakota were admitted in 1889, and by the census of the following year the population of South Dakota was 328,808, and the population of North Dakota was 182,719; and I remember, in reading the debates concerning them, that claims were made for them up to the limit of 700,000 people.

So that when the Senator from North Dakota draws any possible comparison between his State and these Territories, he does not draw a comparison but a contrast; and what is the contrast? The contrast is the contrast of human conditions—broad and fertile plains and prairies, streams, water courses, and even lakes—which do not exist in these Territories—making the land fertile, making farms profitable, making an inviting empire upon which a great and enterprising people can build their homes.

I do not say they are better than the people of Arizona—not at all—but merely that there has not yet developed in Arizona conditions that make them equal with the conditions in North Dakota. I wish they were. It would give me as great possible pleasure as it would the Senator from North Dakota to advocate their admission if they were. But the question is, had we not better, having in mind what we owe to this Republic, wait until we find out whether these poems of the Senator's imagination shall prove facts before we do an act which is irrevocable, which we can not undo?

Is that not the course of wisdom? If, as I say, suppose the hope should fail—and the testimony before the committee shows that the scientists in the employ of the Government, who are studying this question upon the ground, think that it is a problematical matter, and, even if a certainly, certainly a question of years—had we not better wait until we see whether there are conditions for a larger population?

I will vote for any measure on this floor that will insure a larger population to those Territories by increasing and improving the physical conditions. I am willing to put to the test who is the best friend of the people of those Territories—those who want them admitted so that the 4 per cent limitation of indebtedness, which now preserves them from certain men may be removed, or those who are willing to vote for special measures which shall put water in their streams, if it can be had, and store up waters, if they can be found, and spread them over the lands in their deserts and make them blossom like the rose.

(At this point Mr. BEVERIDGE yielded the floor, and the Senate soon afterwards proceeded to the consideration of executive business.)

Friday, January 23, 1903.

Mr. BURNHAM. Mr. President, I believe at the conclusion of my remarks yesterday I was about to speak of the conditions in Phoenix and elsewhere in Arizona with reference to the water supply. Phoenix, as we all understand, is the garden spot of that Territory, and in that city and vicinity we find in the highest degree the development of irrigation; it has been developed there more than in any other place. Phoenix is a city of enterprise, activity, and capital; and undoubtedly the citizens have done all they can possibly do in promoting their own interests and in furnishing a supply of water to the city.

I find from the testimony of one who is certainly able to give correct information, Mr. Newell, of the Geological Survey, that for two or three years past the condition in that city has been extremely serious, and that during that time not over half or two-thirds of the land normally cultivable or that had been in a state of cultivation could be used because of lack of water.

It seems to me that if in that city, with its conditions and favorable circumstances, by reason of the want of water supply, there has been a failure to such a large extent it is a matter to attract our attention and excite our earnest inquiry whether there is not danger of a still greater loss from the same want of supply not only in Phoenix but elsewhere throughout Arizona.

We find it to be the fact, as stated by Mr. Fowler, who kindly assisted us about the city of Phoenix, that his own orchard and other orchards have been destroyed because of the want of water. He spoke of his orange groves and his vineyards, and said that some of these had been lost because of this want. This statement was confirmed by the evidence before us during our visit in and about that city.

It was said yesterday in debate that there were in Nevada little streams, living, active streams of water, that were flowing down the hills and mountains of that State and through the valleys, and that along the banks of those streams there was a successful cultivation of land, and a remarkable thrift and prosperity. But I want to say that during our visit in these Territories we found no such little streams of water. They would have been gratifying to our eyes, after our long journeys over the desert waste, but instead we generally found what had apparently been the beds of living water. There was evidence that in the past water had been flowing over these beds; but during our visit nothing was visible except the sand, dry as either shore, dry as the desert through which we passed.

We find in connection with Salt River, which furnishes the water of the city of Phoenix, a statement made by Mr. Trott, one of the water commissioners of that city. In his annual report to the Governor of the Territory he stated that during certain years—1895, 1896, 1897, and 1898—he had made tests to ascertain the water supply of that river, one of the great irrigation rivers of Arizona. He found subsequently, in making the same tests in the years 1899, 1900, 1901, and 1902, and contrasting them with the four prior years, that there had been a diminution of the water supply passing through the river to the enormous amount of 70 per cent. Two-thirds and more of that water supply had failed during the later four years. If this is true, it seems to me it has an important bearing upon present conditions and future prospects in this Territory.

It has been said that in New Mexico there were living in times past three or four hundred thousand people. If so, then from all the evidence which has come before us by way of testimony and from all that has appeared in our investigation, it must have been true that in years gone by—the distant years—there were great supplies of water there which do not exist to-day.

It seems that the rainfall, as I understand from the records, has been diminishing. Of course it may be possible that these are transient years, that it will be only two, three, or four years before conditions will change; but is that certain? Is it not quite as reasonable to assume that these years will continue on with a diminishing supply of water?

We want to submit this as a proposition: We are to give statehood where the qualifications for statehood exist to-day; but surely if we are looking forward to other qualifications, if we are to consider possibilities, we must take into account the only basis there possibly is for increased population there to any extent, and that is the supply of water, irrigation, and the storage of those torrents that are said at certain seasons of the year to come down through the passes and overflow the banks of streams and rivers. I think the conditions at Phoenix have been made evident.

There are in the arid region, it is said, streams that start in the mountains, although we did not see them, or start somewhere, but it is a fact that before they reach the main river, during most of the year, or at least during the summer months, they pass out of existence. They fail to reach the river. It seems that the porous soil absorbs these meager streams when the summer months come on.

The Rio Grande in New Mexico—their greatest river—excited in my mind quite a little anticipation. I thought it was a grand river, and that I would see an immense amount of water flowing along. But it seems that the Rio Grande above Albuquerque, not much more, I think, than one-third of the way down the Territory of New Mexico, during many months of the year disappears, and instead of being a living stream of large extent, flowing with great waters, is dead and turned to dust. There is nothing that you could discover of water pools or places where fish could live, as suggested by a witness in an affidavit, or anything else except the dry, barren sands, just as we found at El Paso, where it was simply a highway for the passing traveler.

The only recourse, as has been said by witnesses over and over again, acknowledged and without question, is to store the flood waters, the torrential waters, that come down from the mountains during certain seasons of the year. Mr. Newell, in his testimony, states that it is possible to construct reservoirs; he thinks they will be built within the next century or generation; but no one system has yet been determined upon as feasible.

In this connection, and upon the question of the possibility or the practicability of storage, I call attention to the rainfall conditions. I call attention to the uncertain flow of these streams, and to the fact that in some instances, at least in the case of the Salt River, where tests have been made, the water supply is diminishing from year to year. In 1900 it was much more than in 1901, and in 1902 it was much less than it was in 1901.

In a letter written by Mr. Newell to the chairman of our committee, dated December 6, 1902, the ineffectiveness of such rainfall as occurs in New Mexico and Arizona is plainly set forth. It seems so important that I desire to read it:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., December 6, 1902.

HON. ALBERT J. BEVERIDGE.

DEAR SIR: In reply to your inquiry regarding the rainfall in arid and semiarid regions and the effect of this in the formation of rivers, I should first explain that the data concerning the amount and time of the occurrence of rain are collected by the Weather Bureau and are obtained from their publications. The study of these figures in connection with those of the flow of various streams has brought out several facts of interest, particularly that the quantity of water available for storage and for irrigation is not directly dependent upon the quantity of rain which falls during the year. The slope of the ground and the rate at which the rain falls each have often a very large influence on the behavior of the rivers.

To illustrate this two extreme cases may be taken: In the first, a rain falling upon a nearly level surface, such as the plains of western Kansas or the "Panhandle" of Texas, may be entirely soaked into the ground or stand in pools on the surface and be completely evaporated; thus over hundreds of square miles there are no water courses, the prairie sod being too tough to permit young streams to be formed. Here is a region of moderate rainfall from which there is no run-off. On the other extreme, take a high granite peak. The rains falling upon this at once flow down the smooth sides and a very trifling amount is evaporated or absorbed by the rocks, practically all of the rainfall being available for water storage.

As an example of the way in which rain falls, on one extreme we can take the gentle, long-continued shower, in which several inches of rain falls, but descends at about the rate at which the earth can receive it, and thus upon even the rolling hills all of the water goes into the ground, to be subsequently evaporated or transmitted to springs at a lower altitude.

The same amount of rain falling on the same region in a sudden cloudburst or heavy downpour does not have time to soak into the ground, and hence a flood occurs from a rainfall of the same quantity as that above noted, and which does not appreciably swell the streams.

It is characteristic of arid regions that the rain which falls is usually torrential. For months, or even years, there may be scarcely appreciable precipitation, and then comes a sharp shower of 2 or 3 inches of rain. The dry soil is deluged so quickly that the surface is packed and little of the rain sinks in, the greater part instantly flowing off into stream channels and coming down as a destructive flood, valueless for irrigation and dangerous to curb in the ordinary storage reservoir.

A statement of annual rainfall does not bring out this fact of the erratic distribution of rain in the arid regions, of which, say, 10 inches may fall during the year. The greater part may be in one or two showers at short intervals and cause temporary floods. This renders it essential to guard carefully against conclusions drawn from a simple statement of the total annual rainfall in any locality, particularly if this has to do with the probable amount of water available for use. There are regions which have the same annual rainfall, one of which has no streams, and the ground is covered with valuable nutritious grasses; the other is a nearly barren desert, intersected with stream channels, the size of whose bowlders indicate that at long intervals powerful floods plow their way through the desolate waste.

Very truly, yours,

F. H. NEWELL, *Hydrographer.*

This is the statement of Mr. Newell as it appears in the report of the committee.

There is another fact which appears in the testimony of Mr. Newell on pages 184 and 185:

The CHAIRMAN. Mr. Newell, concerning the rainfalls on the plains, what becomes of those rainfalls on the plains?

Mr. NEWELL. A considerable portion of the rain sinks into the ground; another part evaporates, and another small amount runs away, forming streams if there are channels through which it can readily escape.

The CHAIRMAN. Is it not a fact that within an hour after these rains fall on the plains the plains are as dry and dusty as before?

Mr. NEWELL. Frequently; quite dry.

The CHAIRMAN. Senator PATTERSON asked you concerning fodder raised without irrigation, to which you responded that that was somewhat true. I want to ask you if that is not true along the streams only.

Mr. NEWELL. As I understood the question it was as to whether the fodder raised without irrigation was not valuable. It is extremely valuable.

The CHAIRMAN. But where it is raised without irrigation it is along streams?

Mr. NEWELL. Usually it is along lands which are subirrigated or wet by natural sources. * * *

The CHAIRMAN. So that apart from the scarcity of water in the streams about which we have spoken, how far away from the streams, if there was enough water, could irrigation be carried on by canals?

Mr. NEWELL. It depends wholly upon the topography of the country. As a rule the irrigation ditches rarely depart more than a few miles from the stream. There are cases in Kansas where they can go off at right angles to the stream.

If this information is correct, and it is given by one whose expert knowledge must be conceded, then after all, after storage, after the streams are supplied with water, how far distant can the canals carry that water? The answer, in substance, is, "rarely more than a few miles unless the topography is peculiarly favorable."

There are no conditions here, I submit, such as exist in Kansas, where canals go off at right angles to the stream. At all events, the statement stands for our information, and I believe that there are good reasons for stating that there may be serious difficulty in the future so far as water supply is concerned in that Territory. Our belief arises in part from the fact that this scheme of irrigation has its limits, and generally can not be carried beyond a few miles from the streams. If so, then looking over the map of the Territories you will find perhaps four or five irrigating streams; a few miles away from the banks the limits of irrigation would generally be reached.

Now, I wish to call attention to the great expense of constructing reservoirs. It has appeared, I think, in the report of the Governor of Arizona that the cost of construction is an important factor and must be in proportion to the value of the water supply. It is evident that you can not build dams which are to withstand torrential floods unless they are anchored pretty firmly to either bank, and they must be built with extreme care, with solid foundations, and with the expenditure of a large amount of money.

If I remember correctly, gentlemen from Maricopa County, Ariz., were before our committee last session and were asking of that committee—what? That we should allow them the privilege of exceeding their tax rate of 4 per cent for the purpose of building a dam upon this same Salt River, away up the stream some distance. The object, as I understood it and recall it now, was to build a dam at an expense of perhaps $2,000,000 or something more.

So, I submit, such enterprises are beyond the capacity, beyond the means certainly, of individuals, and beyond the means of ordinary corporations. I understand it is a fact that corporations which were organized in California built dams and attempted to supply water under a system of irrigation, but the result was unfortunate, and some of them failed in their enterprise. I think that it is true of one of the early railroad and irrigation companies in the Pecos Valley that it did not receive for its large expenditure of money a sufficient income and was obliged to abandon its undertaking.

It is, I submit, a question of time, and of a considerable length of time. It can be done only by the Government; and if so, it is not a project that can be accomplished next year or in the near future. It means years to come, as I believe, because, in the first place, the sites must be selected with great care, with the best of engineering skill, and when they are located the building of dams,

as we all know, in governmental construction takes long periods of time.

It is true that in some places there has been a storage of water; but I understand the system that is most feasible has not yet been ascertained, and certainly no government will build dams and start out upon such enterprises until the best system has been clearly determined upon.

There is, as everyone knows, when water is impounded, a considerable per cent of loss. The reservoir must cover acres and acres of land. It may or may not be deep, but it certainly must contain a vast volume of water if it is at some time to supply the acres that lie below. During the process of time not only that body of water, but the canal, the laterals, the ditches supplied with water, are subject to the hot winds and burning suns of that arid region, and I submit that the question of evaporation is certainly one of great consequence.

Then, too, there is another loss which must be taken into account. There is a loss if the nature of the soil is, as has been stated, porous—so much so that wells are often impracticable. If it is so porous that wells can not supply more than a few feet of land without storage, surely when you come to carry water for miles, or for any considerable distance, it would percolate through and into the soil, and there would be an immeasurable loss. So it is right to say that the best and most feasible scheme of irrigation has not yet been devised.

In this connection I should like to call attention to a map from the Geological Survey, not prepared with reference to this controversy. There was no statehood interest in the planning or drafting of this map; but it is, I understand, one of a series. It is so marked here, No. 10, from the Geological Survey, Division of Hydrography. I wish to call attention to it specifically. From the statement here, as I read it, the black areas represent land taken up, capable of sustaining population, and the white areas represent land open to entry, but not capable of supporting population. This is the picture of Arizona [exhibiting]. This map tells you what is capable of sustaining population, according to the scientific statement from a Department of our Government. I submit it is proof or ocular evidence of all that has been accomplished during the centuries of Mexican occupation and during the thirty-nine years of Territorial government, and that it is a striking commentary upon the enterprise of the people, upon their means, or upon conditions which, I submit, are in a large degree insurmountable obstacles.

I understand that the black areas represent land taken up or capable of sustaining population. Note how insignificant and limited and circumscribed those areas are. Those black limits [indicating] tell us where population is or can be, and the white areas tell us where it can not be. It is possible that there are through the mountains forage districts where to some extent in a small way agriculture is carried on, where cereals are raised, not to complete natural growth, but simply as forage, cut when they are green, and where potatoes to some extent are grown. But I submit that this map, coming from the source it does, is entitled to credit, and it certainly gives us an understanding of what the conditions were at the time that survey was made, a year or two since.

There is a possibility, it is said, that we may obtain irrigation through wells, but we meet a difficulty which it seems to me is apparent, and which was stated in evidence, that, in the first place, there must be a series of wells. No single well answers the purpose. There must be a series of wells that will fill some reservoir, and that reservoir must be of some extent. It must be built at considerable expense, and for the purpose of flooding a given territory at once, before the water can enter into the soil near by, before it can percolate through and thus deprive the main territory of its supply.

If this be true, then the people who are undertaking to supply water on their farms from wells will be involved in an expense that is far beyond their means. I do not believe that ordinary corporations can do that work to any considerable extent. Moreover, there is the expense of power. There is the expense of steam, which is no inconsiderable sum, or else the uncertain winds must be relied upon; and I do not believe they can be relied upon even in that country, where they are perhaps more general than elsewhere.

In relation to this matter there is a single fact to which I should like to call attention. Mr. Newell was asked concerning the same Salt River we have been speaking of in reference to Phoenix. The question put to him was:

> Is there any other source of water supply for irrigation except that water from the river?
>
> Mr. NEWELL. That is the only source excepting a small amount of water to be obtained from deep or artesian wells and from shallow wells in the gravels near the river channel.
>
> The CHAIRMAN. Could any appreciable quantity of water be obtained in that way, taking into consideration the whole area?

And the answer, to which I call attention, is as follows:

> Mr. NEWELL. That would probably not represent more than 1, 2, or 3 per cent of the entire area that is irrigable. (P. 177.)

So that through wells you could supply only this very small per cent—1, 2, or 3 per cent of the irrigable area.

Attention has been called to this matter because of its grave importance, and because of what has been suggested already, that the question would be different if the population were sure to develop and increase to a large extent in the near future. In the Northwest Territory it was known as an assured fact that when the lands were opened to settlement there would be a large development, that people would come from over the country, from the East, from the Atlantic States, and fill those most desirable lands where there was water, where there was timber, where there was everything that could be inviting in a new settlement. But here every visitor meets, in the first place, with the awful fact of the absence of rain.

We come now to another industry, and that is stock raising. Their agricultural interest is as I have stated; their stock raising is another industry. But here there is the same difficulty. We find that cattle raising can be carried on only within limited areas; only within 5 miles from streams or holes where water can be found. The limited supply from streams or pools in that Territory is a great hindrance to cattle raising, which can not be removed until a successful system of water storage has been established.

MINING.

Another industry is mining, to which attention has already been called. It is prosperous in some localities, but not in all. When a mine has been opened and success has attended the earlier efforts, it is by no means certain that that success will continue. For the purpose of presenting what has been said upon this matter I desire to read briefly from page 156 of the testimony. This is the statement of Governor Brodie, the Governor of Arizona Territory. He refers to one of the counties there. We were then at Phoenix:

> Pima County, next east of here, is agricultural, mining, and stock raising, mainly.

The second great industry to which he calls attention in that county is that of mining:

> That is one of the old original three counties cut up. It is very rich. Tucson is a prosperous town about the size of this, perhaps larger, and is perhaps the third oldest town in the United States. They irrigate there from the waters in the Santa Cruz.

Then he adds this significant fact:

> Very few of their mines are now in operation, the reasons being the fall of the price of copper and the cost of freight.

So in Pima County, next east of Phoenix, though a mining county, very few of the mines are now in operation.

It has been said in argument to-day that the result of the finding of precious metals and the development of these mines assures the growth of the country. Is it not and must it not be true that that development may be temporary, and that when the foundation has gone the structure goes with it? Where the population is based upon mining development, when that ceases, will not the population depart?

We visited Bisbee, a city of which I wish to speak. It seemed to an Easterner a marvel of wondrous development—encircled on three sides by hills and mountains. In the lower valley are their business establishments, stores, and hotels. A city has grown up there, we understand, substantially since the census. No criticism can be made of an enumerator who did not find a large number there two years ago, at the time the census was taken, because, as we understand it, the city has been developed practically since, and its growth has been such that to-day it numbers 8,000 or 9,000 people, and 1,800 are employed in a single mine, the Copper Queen.

Now, as to the permanency of such a population a reasonable doubt certainly exists. In the testimony of the representative of a great mining interest at Bisbee is a significant statement which I shall read. The question was asked with reference to his mines:

> Q. That is caused by the fact that you follow the veins as they recede?
>
> A. Yes, sir. Well, there are no veins, as a matter of fact. There are isolated deposits in the limestone, and we have to go by guesswork to find them; but when we find them they are very large. (P. 171.)

I would ask at this point whether it is a sure and reliable foundation for a State, a county, or a city when it depends for its growth, its development, its population and resources upon the guesswork of men who are hunting for these isolated deposits in the mountains?

We have, I think, even better evidence than this, and from a witness who certainly can not be said to be prejudiced against the omnibus bill. It is the Delegate from the Territory of Arizona. There are three or four points in his statement to which I desire to call attention. They are all, I believe, material, and

have an important bearing upon the question now under consideration. I will read:

The ACTING CHAIRMAN. Why are not the mines assessed?
Mr. SMITH. Because they come under the provisions of a Territorial statute passed in the early days that exempted mines from taxation, in an effort to encourage as much as possible the development of the mining industries of the country. Then when the mines grew large and strong they were able to take care of themselves——
Senator BATE. Are mines assessed in any Territory?
Mr. SMITH. Oh, yes.
Senator HEITFELD. They are not assessed in my State.
Senator BATE. Nor in mine.
Mr. SMITH. They were not generally assessed in any of the Territories in the West; and, as I say, when they grew large and strong they were pretty well able to take care of themselves when it came to the question of changing the law as to the assessment of their property.

So it would seem from this statement that there was a power among these mine owners absolutely controlling the Territorial legislature to the extent of preventing the taxation of their property. But the Delegate says:

These conditions will pass away in statehood. I believe, from interviews I have had with them, that the owners of those great mines are to-day willing to pay a net-proceeds tax on them, which is a proper tax.

Certainly these mine owners, some of whom reside outside of the Territory, must be very different from the average property owner if they are willing to pay out of generosity a tax upon their mines. Yet it is seriously asserted that they would willingly and voluntarily pay such a tax if statehood were granted. This is indeed a strange proposition.

But the point I am coming to is this. He says:

A mining tax should always be levied on the net proceeds and not on the property itself, for one year it may be valuable and the next not.

The Delegate's opinion that the value of mining interests is uncertain is surely to be inferred when he says that "one year it may be valuable and the next not." When these mining interests cease to be valuable, would not the business cease, and would not the city dependent upon that business lose its population? Take Bisbee, for instance, which depends absolutely upon this mining interest. How long would Bisbee stand if that mining interest ceased to be profitable, if the property ceased to be valuable, as, according to the statement of the Delegate, it may during the coming year?

Now I desire to call attention to another statement:

At the present time people go right through my country into old Mexico to invest in property that is certainly not half as valuable as that they ride over in going there. Why do they do it? Because there is no stability to our legislation. (P. 324.)

This statement, if I understand it, means that investors pass over Arizona, pass over the line down into old Mexico and invest their money there, because of the want of stability in the Territorial legislature. If that is so, then Mexico has a better government than Arizona, and the inquiry naturally arises why Mexicans living under this unstable government of ours do not go back to their fatherland. Why stay in this Territory of ours? And why do Americans remain there under conditions that lead investors to go beyond the lines of this Territory and purchase property in Chihuahua or some other state of Mexico?

Returning to the question of population and the mining industry, I wish to say that a mining camp is not necessarily an enduring city. It is built for to-day, not for to-morrow, next week, or next year. It depends wholly upon the uncertain finds in the limestone of the mountains.

There is an example of this shown in the statement made by the governor of the Territory, that in one of the counties where mining interests had been important the business had ceased because of a change in the price of copper and the cost of freight. Tombstone was once a city that flourished, had extensive business and a large population, with a promising future, as many would have said.

But what is the fact? Built up with extreme rapidity; twelve or fifteen thousand people were once gathered together in this mining camp, fittingly designated as such, yet two or three years ago there were scarcely 600 people there. I understand that there is some encouragement from later developments, and I believe there is a population now of ten or twelve hundred people; but gone are those days of prosperity. It is indeed a deserted city, a deserted village, and we can think of its inhabitants when departing that "they fold their tents like the Arabs and as silently steal away" from the city which they undoubtedly thought was to be their future home.

I believe that if we are to admit this Territory with certainly less than 100,000 people, exclusive of Indians, we ought to have the assurance at least that the present population would remain and make commendable progress rather than that there should be any uncertainty as to future growth and development.

What the interest of these people may be in the mines, who the mine owners are, whether they will pay taxes or not, whether the mines are of great value to the people beyond the money expended in operating, who can tell? The mines may pour out millions that go into the business and resources of the whole country, but the owners may not be citizens of Arizona; if residents of the States or other Territories, what part of the just profits of the mines would be of local benefit.

It is no pleasure to say anything that would discredit in the least the glowing accounts which have been given of both these Territories. They are a part of our common domain, a part of our own country; and it would be a welcome thing to me to give, if I could truthfully do so, interested as we are in them and for them, a good account of their progress, their prosperity, and their present condition. But if, upon inquiry, we find the facts otherwise, is it not a duty to state them? If these people are asking for admission into the Union, is it not a duty to raise the question whether or not they have the requisite qualifications for such admission?

REPRESENTATION.

There is a particular feature of the bill which I should like to consider for a moment. If Arizona is to have statehood and if a convention is to be called to represent fairly and fully the different counties, the delegates surely should be justly apportioned among the different divisions of the Territory; and, at the risk of being a little tedious, I want to go over some of the facts concerning this representation.

Here is what appears in the bill, which was intended, I suppose, to be fair to all the people of the Territory and to give them a truly representative delegation in the convention that is to form a constitution, should statehood be granted.

Mohave County has a population of 3,426, with a representation of two under the bill if they have a convention; Yuma, with a population of 4,145, would have a representation of two; Santa Cruz, with a population of 4,545, would have two representatives; Gila, with a population of 4,973, would have two representatives; Coconino, with a population of 5,514, would have two representatives; Apache, with a population of 8,297, would have two representatives; Navajo, with a population of 8,829—and that is one to which I desire to call attention—contains two and a half times as many people as Mohave, and yet these two counties are to have the same representation.

Pinal County, with a population of 7,779, would have three representatives; Graham County, with a population of 14,162, would have three, and Pima County, with a population of 14,689, would have three representatives. I am contrasting those two counties of Graham and Pima—the former with a population of 14,162, and the latter with a population of 14,689—with Pinal, having a population of 7,779, which would be given the same representation as these two larger counties, each having nearly double the population of Pinal.

Cochise County, with a population of 9,251, would have four delegates in that convention, while Graham County, with a population of 14,162, and Pima County, with a population of 14,689, would each have only three. Yavapai, with a population of 13,799, would have four delegates, and Maricopa, with a population of 20,457, nearly six times as large as Mohave, would have only two and a half times the representation—five delegates.

I do not suppose that this has any special bearing upon the subject, except to show that there is a disproportion in the representation, and that a grave error has been made in the bill, which ought to be amended, or gross injustice will be done. The injustice of the bill is evident to the people of the Territory, as appears in the protest made by the society known as the Arizona Pioneers. I wish to read just a few words from that protest. It is of considerable length, and I shall read only a paragraph. It is dated "Hall of Arizona Pioneer Society, Tucson, Ariz., November 18, 1902," directed to the chairman of the committee, and signed by Sidney R. De Long, President, Arizona Pioneer Society. The heading is:

Opinion of the Society of Arizona Pioneers, as defined at a full meeting held at their rooms in Tucson, Ariz., November 18, 1902, upon the steps that should be taken in regard to the important question of bringing Arizona into the United States as a sovereign State.

This is the second item in the protest.

Second. The society would respectfully suggest that the bill be amended so that the appointment for delegates to the constitutional convention be made among the several counties of the Territory according to the population by the census of 1900. The governor of the Territory, chief justice, and secretary of the same shall declare the number of delegates for said convention apportioned to each county to be voted for. (P. 168.)

I speak of these details because they are of grave consequence to the people there. If they are to have statehood, there should be fairness and justice in the terms of the bill which grants it to them. If wrong, let the bill be amended, or, better still, let those people, as I have said before, remain as they are until the American spirit and American education have changed and elevated those who are of foreign birth or race and those who are among the illiterate until the number qualified for statehood shall bear some just proportion to the total population of the Republic.

COMPLAINTS.

It is alleged that these people, because of a Territorial government, are suffering from almost intolerable conditions, but nothing has yet appeared to show that their material interests have been wanting in any advantage that statehood could give them. It is said that here is taxation without representation, but all taxes are of their own creation. They make their own laws, and at no time has the authority of Congress over these laws been exercised except at the request of their Delegate or where the people would to-day commend the use of that authority.

An inquiry naturally occurred to the committee as to the character of the officials who have been appointed by the Government. So far as we could learn there was no objection to their Governor. We met him, and I do not believe there is an executive in any one of the States who is his superior. He is a man of intelligence, of great worth, and of true patriotism, who for many years, as an officer in the Regular Army, battled with savage Indians and won distinguished honors. I do not believe that in an election, held however long after statehood is granted, there would be chosen a better man than Governor Brodie.

They have, too, their appointed judges. We found them men of character, men of attainments, men of a high order of ability, good lawyers, and good judges. The people of Phoenix were so proud of their court that they desired us to visit it during one of its sessions. The judge who was then holding court was Judge Kent, who, it happened, was the only one who had come from outside the Territory, as we understood. Judge Kent was the son of a former governor of Maine, well known throughout the country, Governor Kent.

He went from Maine to New York, where he was for a time a student and afterwards a lawyer in large practice. From there, I think, he went to Colorado or to Kansas, and then into this Territory. He is known to some Senators, and is a man who impresses one immediately with his high character, probity, and honor. We went into the room to witness the proceedings of that court. I do not believe there exists in any Eastern or Middle State one whose business is conducted with better order, with more dignity, with more of that which most becomes a court.

We asked, "Are you satisfied with the courts; is everything right with them; is there any scandal connected with them or any evidence of corruption that is now or ever has been existing?" The answers given confirmed our high opinion of their judges. So, then, in this regard, there was no occasion for complaint.

There was this said, however, and it was said with gravity and earnestness as if it were a great and existing evil, that when cases which were tried in a lower court before a certain judge passed by appeal to a higher court the same judge was consulted and participated in the deliberations of the appellate court. When the inquiry was made, "Does that custom exist to-day?" the answer was "No." So all the reason and foundation for that complaint had some time before been removed.

In both these Territories the Governors for some time past have been taken from among their own people. Their judges, as a rule, have been citizens of the Territory where they officiated. So long as they are incorruptible and men of high character performing their judicial duties without giving cause for complaint, surely there is nothing intolerable in this condition.

The question arises, Who wants a change; who desires most that the Territorial condition shall be laid aside and statehood assumed? The natural inquiry is, Who would be most interested in the change? I do not believe it is the agriculturist in those Territories; I do not believe it is the mine owner, or the man who delves in the mines; I do not believe it is the stock raiser who is most interested; but there are those who, with a commendable ambition, seek high honors; and greater honors, of course, would come through statehood. There is the great office of their chief executive, the Governor of their State, which would be an office very honorable, very desirable to fill; and it is not strange that men of aspiring disposition should be ambitious in that direction.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Pennsylvania?

Mr. BURNHAM. Certainly.

Mr. QUAY. In reference to a point made by the Senator from New Hampshire that the pressure for this bill does not emanate from the people of New Mexico, I would ask that the resolution be read which I send to the desk.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the resolution referred to by him be read from the desk. Is there objection? The Chair hears none.

Mr. QUAY. It is a resolution of the legislature of New Mexico, passed unanimously.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

SANTA FE, N. MEX., *January 22, 1903.*

Hon. B. S. RODEY,
Delegate in Congress, Washington, D. C.:

The following council joint resolution was passed by unanimous vote of both houses of the thirty-fifth legislative assembly of New Mexico to-day:

Joint resolution No. 3.

Be it resolved by the legislative assembly of the Territory of New Mexico, That the thanks of the people of the Territory of New Mexico, through their legislative representatives, be, and the same are hereby, extended to the Hon. BERNARD S. RODEY, our Delegate in Congress, for the energetic, earnest, and able services rendered by him before the Congress of the United States in advocating the admission of New Mexico into the Union as a State, and that he is hereby assured of the hearty approval and appreciation of the people of this Territory on account thereof.

Resolved further, That a certified copy of these resolutions, signed by the president of the council and the speaker of the house of representatives, be forwarded to the Hon. BERNARD S. RODEY, and that, in addition thereto, the same be telegraphed thereby to him.

(Signed) J. FRANCISCO CHAVES,
President of Legislative Council.
NESTOR MONTOYA,
Speaker of the House of Representatives.
W. E. MARTIN,
Chief Clerk Council.
CHAS. SAFFORD,
Chief Clerk House of Representatives.

Mr. BURNHAM. Mr. President, not only are the politically ambitious concerned about this question of statehood, but there are others. I believe there are great corporate interests concerned about this question; and I can understand how naturally those interests would arise. There are, as everyone knows, great railroad enterprises that are pressing into every Territory, into every new country. They are reaching out for mines wherever there are any; they are reaching out for business wherever it exists; and they are seeking always the favor of cities, towns, counties, and States.

It happens often that two cities not far apart are greatly interested in the question whether a certain railroad shall enter the one or the other. There is then, necessarily, the condition of competing cities that are anxious for railroad privileges, and there are, besides, keen, shrewd railroad men, who are determined, if possible, to take advantage of that condition of affairs. It has been so before, and I believe such a condition exists to-day, and with what result? The result, as everyone knows, would be, if such a condition existed under statehood, that one city or the other would probably secure these railroad privileges by subsidies, by bonds, by gifts that would mortgage the property of the people for years, perhaps scores of years to come. That probably would be the result, as it has been in towns and cities elsewhere when Territories have been made States.

But these people say, "We do not need anybody to take care of us; we are amply able to take care of ourselves." I am not questioning that, but I am suggesting the temptations that would arise. Are the people of these Territories stronger than the people of our States who have yielded to the seductive influences of these mighty corporations? I believe they are surrounded by the same circumstances, and while they can take care of themselves as well as the average people, they are subjected to a most potent influence. I believe that the statement which came to us from Oklahoma is worthy of great consideration: "Let us wait; let us be under the shelter of the Harrison Act for a few years longer. Let us come in then with our railroads built, because they will be built even if we do not give them aid. Then we will have our railroads, and we will not have our cities and towns and counties burdened with a mortgage indebtedness for ourselves and our children and perhaps our children's children."

Some statehood advocates are interested in the pending question in the way I have described, and what do they want? They want to be rid of the effect of one of the most beneficent laws, I believe, that has been given to the country for years. I refer to the well-known Harrison Act. I think it was fully discussed by the distinguished Senator from Minnesota [Mr. NELSON], but in this connection I wish to briefly call attention to two sections of that act, and to only parts of those. Section 2 of the act reads:

SEC. 2. That no Territory of the United States, now or hereafter to be organized, or any political or municipal corporation or subdivision of any such Territory, shall hereafter make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

Section 4 provides—

SEC. 4. That no political or municipal corporation, county, or other subdivision in any of the Territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding 4 per cent on the value of the taxable property within such corporation, county, or subdivision, to be ascertained by the last assessment for Territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void.

Mr. McCUMBER. May I ask the Senator from New Hampshire a question?

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. BURNHAM. Certainly.

Mr. McCUMBER. Is it not a known fact that the constitutions of all the States that have been lately admitted into the Union contain just those provisions, and can we not as reasonably suppose that the constitutions of New Mexico and Arizona will contain such provisions as the constitutions of North and South Dakota do?

Mr. BURNHAM. But, Mr. President, what assurance has the Congress of the United States of any such fact or proposition. It is not true certainly in some of the States, unless we have been misinformed upon the floor of the Senate, that that has always been done; and possibly, if I understand this measure and its merits, if it were enacted at all, it might not be done.

Mr. LODGE. At this point I should like to ask the Senator from New Hampshire whether he thinks there is peculiar danger in any of these Territories of demands made upon counties and towns for the benefit of railroads? Is there anything in the testimony, which I have not had time to examine with great care, tending to show that?

Mr. BURNHAM. There is nothing definite in the testimony, perhaps, that calls special attention to it, except the general conditions and the testimony before us with respect to large railroad schemes that were about to be developed. A distinguished railroad man of great intelligence was before us and gave an impression of what the railroad interests had been, what they were doing then, what they were going to do, and he made it perfectly apparent—I am glad the Senator has called attention to it—that in that Territory of which I was speaking there were extensive plans for the future, and it concerned the railroad interests greatly whether they could get loans and subsidies from the towns, cities, and counties.

Mr. McCUMBER. I should like to ask the Senator another question. Is it not a fact that in 1889 a convention was held in the Territory of New Mexico in which they adopted a proposed constitution, and that constitution contained the very inhibitions of which he speaks? That was done by the people of New Mexico. If the people at that time saw fit to adopt such a proposed constitution, is it not reasonable to suppose that probably they would do so again if they had an opportunity?

Mr. BURNHAM. In reply to the distinguished Senator's query, I wish to say that under some conditions and in some places there might be an assurance of that fact; but when I think of New Mexico and that I was told by one of her citizens, the editor of a great paper, who I think has been living there for twenty years and is thoroughly familiar with the people, that a certain element in the population and members of the legislature would assent to almost any proposition, and that he could control by 3,600 majority the county in which he lived, I can not help thinking that possibly there would be influences which could change the wise and honorable position of New Mexico in 1889.

Mr. LODGE. In this connection, if everybody in the Territory is in favor of this inhibition of loaning money by counties and towns to corporations, it seems to me the object could be attained by putting a provision to that effect in the enabling act.

Mr. BURNHAM. That would seem to be the wise and sensible way of disposing of the question.

I believe, as has been stated by the distinguished chairman of the committee [Mr. BEVERIDGE], that this Territory can afford to wait; that she can afford to wait until her development is greater and her future more assured; that she can afford to wait until the population has reached at least the unit of representation in the House of Representatives. Let her wait until a later day. Let statehood be the prize toward which her efforts shall be directed. Let this reward be given when she shall have reached the required qualifications; when she shall have the population that is requisite; when she shall have removed to a greater extent the bane of illiteracy; when she shall have, perhaps largely through Government aid, that which, I believe, will so benefit the great West—irrigation and the storage of water; when she shall have a broader field of agriculture; when all her interests shall have been largely promoted and increased.

It is said that she wishes to place a star upon our flag and add its light to that of our glorious constellation. But, Mr. President, it seems to me that she should wait until that star is greater and more effulgent, until it would not be dimmed or obscured by the brighter light of others. When that time comes, its place upon our flag will be assured and another will be added to our splendid galaxy of States.

OKLAHOMA.

I desire now to speak about another Territory. We had been in a land where there were desert wastes, where the skies were generally cloudless and but little rain would fall.

When we reached Oklahoma the clouds were thick above us, and different conditions were found everywhere to exist. Trees and forests were often visible, and the country bore evidence of the fact that it was supplied, not by irrigation and the storage of waters, but by natural rain which God had given in abundance. There was evidence of great agricultural development. Everywhere we looked we saw signs of prosperity, splendid farm buildings, houses as you would find them in the middle West or in New England, barns that seemed fitted for man as well as beast. I could not help thinking as I saw them of the contrast with Santa Fe and Las Vegas, where as you went out of the cities a little way you saw strange buildings occupied by a strange race.

I could not help remarking the great contrast, as I saw on the one side prosperity, on the other side, the result of indolence, inactivity and want of progressiveness. There was evidence of the great difference between these Territories, and of the reason why there should have been almost if not quite a hundred thousand people coming within a week's time into one Territory, and in another, Arizona, not a hundred thousand white people during centuries of Mexican occupation and almost forty years of Territorial government.

The Indian reservations in Oklahoma, as appears by the report of the Indian Affairs Commissioner, amount to 3,651,518 acres. In the rest of that grand domain of nearly 25,000,000 acres it is said that almost every quarter section is taken up by men interested in agriculture. If that is true, it is surely a marvelous growth in this short period of time. The remarkable history and development of the Territory are so well stated by the Governor that I ask the privilege of reading an extract from his report. In speaking of Oklahoma historically he goes back to the old Louisiana purchase, and says:

For more than two hundred years prior to the time of the acquisition of this land by the United States people of the Old World, particulary the Spaniards, entertained exaggerated ideas of great treasures of gold and silver which might be obtained by him who was fortunate enough to reach the fabled fairyland of the Southwest in safety. (P. 5.)

It seems that Spanish adventurers years ago were seeking for gold and silver. They did not find these treasures, but the Americans of to-day, going from the North, the South, the East, and the West, have found something better than mines, something more certain and reliable than copper deposits. They have found a rich soil and greater riches than the mountains can afford—the fruits of the soil.

The Governor continues:

Oklahoma was formed because of the demands of a great class of energetic people who must have a country in which to give vent to the spirit of progress which was swaying and urging them on, who longed to break away from the environments of the older States and to form a new empire in the Southwest. Year after year a little band of energetic westerners, known as Oklahoma "boomers," led by Payne and Couch, endeavored to convince Congress of the necessity of the new State. It was a struggle, long and weary, to those most interested. From about the year 1872 to March, 1889, the boomers haunted the Halls of Congress, when at last their faithful efforts were rewarded by an act which provided for opening to settlement on April 22, 1889—

A date which I believe will be forever fixed in the minds of Americans throughout the country, fixed forever in the minds of the people of that splendid Territory—

original Oklahoma, composed of nearly 3,000,000 acres of fertile land in the center of the Territory.

This was the first opening to settlement of land, which has been added to until to-day we have the Territory of Oklahoma.

The country was opened at noon on that day and taken possession of by people who were waiting along the line on every side—some on fleet-footed horses, others on foot, and thousands in covered wagons with their families and all their worldly goods—determined to obtain a home in the coveted land. It was a sight never to be forgotten by those who witnessed it. The thousand of immigrants pouring in from all directions demonstrated how much the country was needed and wanted by the home builder. By dark on April 22 but little of original Oklahoma remained without a settler, and great cities were built up almost by magic. The Territorial form of government was established in June, 1890, and about that time No Man's Land, now Beaver County, of 3,681,000 acres, was added to Oklahoma. In September, 1891, 1,282,434 acres in the Sac and Fox and Pottawatomie Indian reservations were opened to settlement in the same manner as that of the original opening. The next lands to be allotted and given to the homesteader were the Cheyenne and Arapaho reservations, in April, 1892. (P. 6.)

I will not dwell upon this statement. It shows the continuous development of these reservations when opened to general settlement.

Further along in the same statement it appears that—

The population of Oklahoma, as shown by the returns of the county assessors, is 541,480. This shows a gain over 1901 of 143,149, or nearly 36 per cent.

In a single year the Territory of Oklahoma has gained more than the white population of Arizona and more than the total American population of New Mexico.

This enumeration indicates an average of 14 persons to the square mile on an area of 38,830 square miles. (P. 7.)

As against a distribution of 1.1 or thereabouts in New Mexico and Arizona, we find 14 persons to the square mile in this area of 38,830 square miles.

Further along I wish to call attention to the valuation of property:

The valuation of property as returned for taxation for 1902 was $72,677,423, showing, as compared with the tax valuation of 1901 ($60,464,696), an increase of $12,212,727. (P. 9.)

A remarkable gain in the short period of a year.

The Governor states another fact, of importance because it relates to the public schools:

The school system of Oklahoma is at once the pride and glory of the growing Commonwealth. Our material progress is remarkable; our educational advancement phenomenal. The care taken to enlighten the growing generation is the State's assurance of its future moral and political strength.

* * * * * * * *

The public-school system embraces the rural schools, consisting of the primary and grammar or immediate grades; the secondary school, including the high school and the university preparatory school; the normal schools; the agricultural and mechanical colleges, and the university.

Then, with reference to the support of the schools, this statement is made:

The school is supported by a district tax voted at the annual meeting, by a county school fund arising from a tax levied by the county commissioners, and by a Territorial fund accruing from the apportionment of the income from the leasing of the school lands. This Territorial fund is apportioned in January and July. The apportionment for the school year ending July 30, 1902, was $1.84 per capita for all children of school age. It will thus be seen that abundant provision has been made for the financial support of a strong and effective school system.

The law also provides for a school library in every school district (pp. 23, 24).

I think it doubtful if any of the States of the middle West or elsewhere makes more ample provision for school purposes than does the Territory of Oklahoma. Even a school library is provided for every school district.

I intend to speak briefly of the growth and development of Oklahoma, and then to refer to what I understand is the real issue involved; that is, whether Oklahoma and the Indian Territory shall come into the Union as one State, or whether they shall remain as they are, separate, or whether Oklahoma alone shall be admitted.

There are certain significant facts that relate to the growth of this Territory. One of them is this, which comes from Bradstreet's Business Return. It shows the growth in the business and in the number of firms. Two and a half years ago there were 3,800 business firms in Oklahoma. In July, 1902, there were 8,243 business firms. They considerably more than doubled the number during that brief period of time, and the credit of their business men, I am told, is unsurpassed.

Those great business agencies are commended for the remarkable fact that with scarcely an exception their business has been successful. It is stated by the same source that their paper, their securities, are sought for in the Eastern markets as much as those from any other locality. It is a little strange that Territorial government which in Arizona and in New Mexico is such a bar, as is claimed, to progress, does not so operate in Oklahoma. Here credit is unsurpassed, and it is illustrated by the single fact that, I think, at Oklahoma City, municipal bonds, bearing interest at the rate of 4 per cent for thirty years, were sold at 2 per cent premium.

There are business houses, as we were told, in Oklahoma City doing at the rate of a million and a half or two million dollars of business a year. At the railroad station, a small station, the receipts were very large. It was said by one whom we believed that more than three million dollars were collected at the little station in Oklahoma City from freights, and the fares of passengers during a single year. Their prosperity has been evidenced in the way I have stated. It was plain when we came to visit their cities.

While the cities in the other Territories were remarkable, and while in all of them there was much to commend, and of this we have spoken, we found as good conditions, and in some respects better, in this new-born Territory, where during the ten or twelve years past they have built up twenty cities, and where Oklahoma City is said to have a population of 20,000 to 25,000 (I think the exact number given was 22,000), where they have brick blocks three, four, and five stories high, magnificent blocks, evidences of thrift and prosperity which were perfectly apparent. Inside those blocks was going on the great business to which I have referred.

In Oklahoma City they were then constructing a street railway. People had come there, as they said, from every State in the Union—enterprising, active, thrifty people had come there, many of them young men with their wives, with their little families. They had come there to make progress, to better their condition in life, not to live upon the fortunes of old people, but out of that new land to carve fortunes for themselves.

Then, there was another fact which was noticeable, and that was that rarely did one see a foreign face. All were bright, intelligent, American-looking people. There were no outskirts to that city which would attract attention discreditably, but all were people whom we would like to meet and would be glad to fraternize with. They were all apparently like the best citizens we met in the other Territories. There were only a few of foreign race. I think the percentage has been given, and it is remarkably small.

Then, too, illiteracy, which we found bearing so heavily upon one of the Territories, was practically absent. The percentage of literacy there is far better than in most of the States on the same parallel—as good as in some of our New England States, and perhaps better.

For their public schools, as I have said, they expended a large amount that came from the income of the Government, but they were not content with taking $300,000 from the Government, and leaving that to be the only amount to expend for schools. They were putting their hands into their own pockets and contributing liberally from their own resources for the benefit of the public schools.

A statement has been made which, I think, is true, although, of course, we can not personally verify it; if true, it is most remarkable. In the two other Territories we rode for miles—aye, scores of miles—without a human habitation in sight, with no place of rest for man or beast, but it is said that you can not in Oklahoma, go whatever way you will, on rail or road, get out of sight of an excellent American schoolhouse.

Here is found the true foundation, upon which all States should be built, a new and splendid common-school system. In that Territory I believe the public schools are sustained as liberally as anywhere, and they are building the firm foundation for a Commonwealth, a result that will surely come when the Indian Territory, no longer divorced, shall be restored to its old union.

SINGLE STATEHOOD.

So I come to this question of single statehood. The Senator from South Carolina [Mr. TILLMAN] has voiced much, however, that it was my purpose to say, and voiced it so much better than I that I feel like leaving it entirely where he left it when he referred to the deplorable condition in the Indian Territory. Speaking briefly, I will say, as I understand it, there are no public highways, no roads built at public expense, none except what the owners of the soil could prevent passage over. There are private ways, but no public roads.

But what is more grievous than all, by a strange neglect, all through that Territory, except in the towns where there are municipal organizations and except where there are little subscription schools, there is no system of education. It is not strange that children from that Territory are trying to make their voices heard in this Chamber. Indeed, conditions are so deplorable that I believe it can not lie in the heart of any Senator or member of the House to long delay a radical change in some way of those conditions. It seems to me that the union of the Indian Territory with Oklahoma and consequent legislation will help to solve this question and bring these children under the benefit of education and that whole Territory under better government.

While we were at Oklahoma City and Guthrie over 20 witnesses appeared before the committee for the purpose of testifying. Some of them came as volunteers, and gave us their statements upon this very question as to what is for the interest both of the Indian Territory and of Oklahoma. A majority of these 20 or more witnesses came from Oklahoma; one was the mayor of Oklahoma City. They were business men, intelligent and capable of forming a fair and honest judgment, and nearly all were in favor of single statehood now, by which they meant the union of these Territories as one Commonwealth.

That was the testimony of all but three or four. The statement of these few was in substance "that some time these two lands must be united as one State, but that temporarily it is better that they remain apart until changes in reference to taxation and other matters," which were referred to, "prepare the Indian Territory for this union." To that proposition there was decided objection by the 16 or 17 who gave a different opinion. From their definite and positive statement we were given to understand that almost the universal sentiment of those parts of the Territories with which they were acquainted was in favor of single statehood.

There have been several conventions. One was at South McAlester in December, 1900, one at Muskogee in November, 1901, and another at Claremore in December, 1902. Every one of these conventions, as I am informed, earnestly favored the claims of single statehood.

But there was another convention, a great convention, held no longer ago than the 6th of this very month, a convention which it seems to me should attract wide attention. I want to present a newspaper I have here. It is a paper published in Oklahoma City, and contains an account of this convention. I have read the article through, and find that the headlines do not misstate or exaggerate what appears in the article. I should like to read these lines, because they inform us, in brief and expressive terms, of the character of the meeting:

Five thousand men shouted for a single State—The greatest convention ever held for any purpose in either Territory was held here yesterday, and went on record for single statehood for Indian Territory and Oklahoma combined—A great procession paraded the streets, accompanied by four bands, amid great enthusiasm—One thousand delegates called, 2,000 responded—Three thousand more came to add force and enthusiasm—Osage Indian made temporary chairman.

The last fact is significant. It has been claimed I think, either

in letters or in statements of some form, that all of the Indian people are opposed to this union. Certainly two of the officers of the meeting were Indians, and large representations from the different tribes and nations of Indians were in attendance. If I can infer anything from the spirit and unanimity of this convention, it is that the Indian tribes and nations are not opposed to the union of these Territories, but are decidedly in favor of it.

Osage Indian made temporary chairman and a member of the Cherokee council elected permanent chairman of the convention—Indian Territory furnished 3,000 and Oklahoma 2,000 of those in attendance—Resolutions demanding union in one State of the two Territories were passed with a tremendous shout from thousands of representative people, and reference to this provision of the Beveridge bill receive cheers from the assembled multitude—The attendance far exceeded the combined attendance at every previous statehood convention ever held in either Territory—An upheaval of the people against the iniquitous omnibus bill that amounted to a veritable landslide of opposition against that nefarious proposed measure—Protest against disunion. (The Daily Oklahoman, January 7, 1903.)

I want to submit that a convention of 5,000 people, 3,000 from the Indian Territory and 2,000 from Oklahoma, is as much evidence of a popular sentiment that should be considered as can be found in the prepared and engineered resolutions that any legislature could pass.

I have noted in reading this article that the convention was presided over by leading men. I have read the speeches of these men. They are concise, logical, and forcible expressions of their wish for single statehood and of their reasons why it should be granted now. The officers of the convention and those attending were, as I am informed, representative men of the two Territories. There were representatives of the Indian nations, who are said to be against the union of the Territories.

That convention spoke for the two Territories. It spoke for organic union, and all its members declared in convention resolutions and in public speech that they were looking forward as to manifest destiny to the reuniting of a people which had been for a brief time separated and broken apart.

There is a message which I will read because it contains the well-expressed opinion of an intelligent citizen and official, a veto message from former Governor Barnes, dated March 9, 1899.

[At this point Mr. BURNHAM yielded the floor for the day.]

Tuesday, January 27, 1903.

Mr. BURNHAM. Mr. President, I shall occupy only a brief period in concluding my remarks upon the pending bill. However, before proceeding with this discussion I desire to say a word in reply to an observation made yesterday as to the length of time occupied by me in this discussion.

I have had the privilege of addressing the Senate on three occasions and each time my remarks have been divided and widely separated by the speeches of others, and many of those speeches have been made by Senators who are in favor of the pending bill.

On Friday last, when I yielded the floor, I was referring to a veto message made by the governor of Oklahoma, and was about to read a brief extract from that message. It appears that a bill was passed by the legislative assembly asking for statehood and for a constitutional convention, and providing that the Indian Territory should be added by piecemeal. On the 9th of March, 1899, the Governor returned a message to the honorable council of the legislative assembly in which occur these words:

With the Indian Territory incorporated with Oklahoma in one State we would place a star upon the flag of our country whose luster would not be dimmed by the constellation of magnificent States by which we are surrounded. Our varied resources of timber, mineral, agricultural, and grazing land would forever furnish the necessary supplies to pay the expenses of a first-class State government, and enable us to build and maintain penal, reformatory, and eleemosynary institutions that would compare favorably with those of the most advanced and progressive people, and all without the people who must always pay the taxes for the support of the government, feeling in the slightest degree the burden of excessive demand by the tax-gatherers. On the other hand, Oklahoma, with her resources restricted to agriculture and the raising of cattle, without the hope even of development of coal or other minerals in paying quantities, or the development of manufacturing industries, would be but a weak and feeble commonwealth in the great sisterhood of States.

I have found in the consideration of this question from statements of witnesses and from conventions that a great majority of the people of both these Territories desire single statehood. They find that the Territory of Oklahoma has 39,000 square miles, the Indian Territory 31,000 square miles, together making 70,000 square miles; and when they look abroad over the borders of their Territories they find that the average area of the States and Territories west of the Mississippi River is more than 100,000 square miles. Looking south, they find the magnificent empire of Texas, with 265,000 square miles. It is not strange that Oklahoma does not wish to stand alone with its comparatively small area. It is not strange that the Indian Territory wishes to join with her in making the 70,000 square miles, for even when united they will have only 70 per cent of the average area referred to.

Again, we find an opinion expressed among these people that the resources and conditions of these two Territories are such that they ought to be united. Oklahoma is an agricultural country. Its people are engaged in farming and, to some extent, in stock raising, while in the Indian Territory there is the complement to all this. There are grand coal mines—it is said enough to supply the whole United States. There may be found natural oil, timber, asphalt, and other minerals, which give promise of resources almost untold. There, too, are other conditions which seem naturally to unite these two Territories into one.

Another reason expressed by these people is that if these resources are united, an immense property would be subject to taxation, and the divided expense of a State would be comparatively small. They would find that in this way they could build their capitol, construct and maintain all their public buildings, and carry on their government at a very much less expense than they could with a divided territory. United, as they say, they would have conditions that would be most favorable to them; they would have area that would be respectable, resources that would commend them in comparison with other States and Territories.

Now, it seems the objection has been made that property in the Indian Territory would not be subject to taxation. I understand that the work of the Dawes Commission is practically finished; that the Creek and Seminole allotments have been made, and that the allotments of the Cherokees, Choctaws, and Chickasaws in twelve months or a year and a half will be completed; the mineral lands of the Choctaws and Chickasaws will soon be sold under the direction of the Secretary of the Interior, and then all these lands will be subject to taxation.

Only homesteads will be for any considerable time inalienable and exempt from taxation, and these amount to a little over 2,000,000 acres. There will be subject to taxation now or in the near future more than 17,000,000 acres—in exact figures, 17,226,558 acres—while in value the property that will in a very short time—perhaps as soon as the State government could be organized—be subject to taxation will be eighty-five millions, and in a few years seventy-five millions more of taxable value will be added to that, making the large amount of $160,000,000. The resources and area of the united Territories would certainly entitle them to statehood.

Another fact to which attention has been called is this: Oklahoma has been enlarged in area from time to time by the purchase and settlement of Indian lands; these lands have been attached to Oklahoma, and in this way we have created by grant an agricultural Territory. But we find peculiar boundaries. The people take exception to these boundaries; they describe them as crooked, zigzag, fantastic, and nondescript; the schoolboy would find it difficult to trace them when hunting, as he may be in his geography, for a description of this Territory. They desire that the old lines may be restored, and that the old Indian Territory as it was may exist again under a State government with the name of Oklahoma.

These are considerations which I believe are worthy of attention; they afford some ground why we should adopt the substitute bill rather than keep, for the time at least, these Territories separate. We find that in both Territories under one organization are the different church societies. There is the Episcopal society in both Territories under a single government. Then, too, there is a Catholic society under a single bishop. So it is with the Epworth League and with other church organizations. They have come together in this way by social organizations formed years ago, because they understood that in a short time there would be one people, one State, and a common destiny for them all. Besides, there are certain organizations of a fraternal character, the Masonic and other kindred associations, where there is but a single head, a central organization; they were united together under this single head and were formed in the belief that ultimately these Territories would be united. They ask to-day that that understanding, as they claim it to have been, shall be carried out and that there shall not be two separate governments in these Territories.

Again, we found upon inquiry in Oklahoma that there were business organizations in Oklahoma City and elsewhere, wholesale establishments, that had one central organization for both Territories; these organizations were represented before the committee. It was their earnest wish and opinion that single statehood should be granted, and they made it evident that it is for the business interests of the people that they should be united.

So, then, not only church and fraternal organizations, but great business interests ask that these Territories be made one State. The business interests of Oklahoma City and elsewhere are certainly important. It is said that $19,000,000 of business was done in that city alone during the past year, and that business there is rapidly increasing.

Now, it may be said that the omnibus statehood bill contemplates a future and possible union of these Territories. Single statehood, which is incorporated in this substitute bill, means the immediate consummation of the hopes of these people. It means that they shall be attached together now and that they shall possess that high rank which they think they are entitled to. In

this matter they have the pride and the ambition that is natural to men, a sentiment perhaps, yet indeed a power and a moving force. While the omnibus statehood bill means either two States permanently or single statehood long deferred by an attachment process, resulting in general disappointment.

We are asked by the omnibus bill to do what the people, as I understand it, do not desire. If this bill should pass we would be attempting to impose upon an unwilling people that which is undesirable and against their wishes.

We would be attempting to deprive the people of the Indian Territory of what they believe to be their just rights. In the first place, when this omnibus bill, if it is ever passed, becomes a law a constitutional convention will be called and delegates sent, not from the Indian Territory, but from Oklahoma alone. Then will a constitution be prepared and adopted, not by the Indian Territory delegates, but by those of Oklahoma alone; and if hereafter the Indian Territory should be added its people would be living under a government whose fundamental law they took no part in framing.

In the matter of locating a State capital and other public buildings the voices of the Indian Territory would not be heard. They would have nothing to do with the establishment of the government. If by this attachment process, as it is called, tract after tract of land is to be taken away from the Indian Territory and added to Oklahoma, we should surely find that there would be sectional lines that would create disagreement and an animosity it would take generations to allay.

It would seem to me that we should consult the interests of the people of both these Territories, and particularly the people of the Indian Territory, who would say "no" to this proposition if allowed to act, because of the simple fact that there would be constituted a government under which they may live eventually and in the formation of which they would have no voice. This certainly is not democratic; it is not republican.

Both of these Territories are to-day ready for statehood. The population of both is something like a million. More than 90 per cent are Americans, they are of the best people of the whole land, and their resources combined, are far beyond any reasonable requirement.

Another fact is noticeable. In Oklahoma are brought together the interests of the North and South. The conditions of climate and soil are such that both sections are represented in its products. We find that in adjacent fields wheat and corn and cotton have been raised.

Here men are laboring who came from all parts of our country, from the North and from the South, and here are illustrated to some extent those conditions that were anticipated years ago by a Northern poet, who during the storms of civil war looked out into the future and predicted that the time would come when—

> * * * North and South, together brought,
> Shall own the same electric thought;
> In peace a common flag salute,
> And side by side in labors free
> And unresentful rivalry
> Harvest the fields wherein they fought.
>
> —*Whittier's "Snow-Bound."*

Here, too, is an assured future. Men here are devoted to the cultivation of the soil. They have come from distant States; they have come with their families; they have come to stay. They find the conditions favorable, and there is no reason why they should leave. They have erected substantial buildings—buildings that are to last for years and years—resembling those in the most prosperous parts of our country. So we say that here is an assured future; that these people are to remain because they love the land of their adoption. Cities and villages here are never spoken of as camps; rather are they described as the splendid growing cities of the Southwest.

These Territories are to develop and grow for years to come, and they will be in their strength and in their prosperity as endurable as the Republic. In the organic law of Oklahoma, which I have before me, it is written that whenever the Indian tribes give assent that disposition may be made of their lands, then by proclamation of the President this fact is declared accomplished, and these lands become at once a part of the Territory. Such lands have been annexed from time to time, and these people must have understood from these proceedings and from the organic law that it was intended that the Indian Territory and Oklahoma should be united into one, and that both together should form one great State.

Another fact of importance is that when commissions were sent by the Government to negotiate treaties with Indians in reference to their lands, no instructions were given to make provision for a school fund, so it must have been the expectation of the Government that these two Territories would not always remain separate.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. Mr. President, the point was made by the Senator from Ohio [Mr. FORAKER] that there were no Government lands in the Indian Territory which could be set apart for school purposes. The Senator from New Hampshire [Mr. BURNHAM] was mentioning that point just before his last sentence; and I should like to ask the Senator this question: Would that defect, if it be a defect, be in any respect cured by annexing the Indian Territory hereafter? Would there hereafter be any more school lands from which the schools of the Indian Territory could be built than there are now?

Mr. BURNHAM. I do not understand there would be, if I get the meaning of the Senator's question.

Mr. BEVERIDGE. My question is this: The Senator from Ohio objected to the substitute bill on the ground that it was an injustice to Oklahoma, for he said the Indian Territory as a State would be without schools. He said there is no Government land which can be donated to them for school purposes, and, therefore, Oklahoma would have to bear the expense of her schools. Now, even if the Indian Territory were made a part of the State by what is known down there, and very aptly known, as the attachment process, a piece at a time, would that remedy or improve that condition? Would there be any more Government land then than there is now? From what source could the schools of the Indian Territory be built hereafter any more than they could if admitted as a single State?

Mr. BURNHAM. I do not understand that the Indian Territory, under the conditions stated by the Senator from Ohio, would receive any possible advantage. The conditions exist there which have been stated, and there is no advantage that can possibly come to the Indian Territory by any proposition which is made in the omnibus bill.

The conditions in the Indian Territory to which attention has just been called excite our interest and enlist our sympathy. I believe we should give attention and especial consideration to the deplorable fact that in the Indian Territory there is no public-school system, that the children are growing up in a way that is unfortunate for them and unfortunate for the Republic, and that provision should be made for the interest of those children.

They have already made their appeal to us and are asking that there may be public schools in that Territory and school buildings whose doors may be opened wide to their eager entrance.

To-day there is practically a united sentiment, as I believe, in both these Territories in favor of their union. The testimony of witnesses, taken by the committee, goes far to establish this fact, and the convention of January last—called for no partisan object, but to give expression to the will of the people—confirms that belief. When 5,000 representative citizens from Oklahoma and the Indian Territory unite, without a dissenting voice or an opposing vote, in the adoption of resolutions and a memorial favoring single statehood and opposing the omnibus bill; when business men greatly interested in this question, organizations of the church, and fraternities favor the report of the committee; when the present and future interests of all these people would be promoted by legislation that would unite them together; when nature itself, in its distribution of the material resources of both Territories, giving to one what it has denied to the other, indicates that they should be joined under one government—how, with all these conditions conclusively showing what ought to be the decision of the present Congress, can support be given to such a measure as the omnibus bill?

CONCLUSION.

I need not repeat the objections that have been so fully and forcibly expressed, in the committee's report and by Senators who have preceded me, to the admission of New Mexico and Arizona. One of these Territories is wanting in population and in the requisite quality of citizenship, and by reason of her location in the midst of the arid regions, can give no assurance of a greatly increased growth and development in the near future. The other, with even a less number of inhabitants, can rest her expectations of future progress only upon the uncertain ground that mining interests will increase where they have sometimes failed, and agriculture develop where now are desert wastes. Her present condition does not entitle her to statehood; her future growth is too uncertain.

To these two Territories now demanding admission, I believe the only answer that ought, in justice to the whole Republic, to be given is: "Not yet."

Oklahoma and the Indian Territory present a different condition. Population, resources, character of citizenship, and the certainty of future progress and development, all combine to give to both, united under one government, an unquestionable right to admission as a sovereign State.

The importance of the questions involved in the pending measure can not be overestimated. Legislation that admits a State is not for to-day, the next month, or the next year, but is, as Webster said, for all time. If there is a doubt even as to the justice and expediency of admitting a Territory, why should not that doubt stand as a bar to its admission?

Very serious and important reasons are shown why New Mexico and Arizona should not be admitted now, but, "at the proper time, to be judged of by the Congress of the United States," as written in the old Mexican treaty. We trust that these two Territories may be added to our American Union, and that Oklahoma and the Indian Territory, reunited, may soon be granted single statehood and take their place in the advancing line of the great Republic.

The Life and Character of the Late Hon. John L. Sheppard.

REMARKS
OF
HON. JOHN S. LITTLE,
OF ARKANSAS,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOHN L. SHEPPARD, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. LITTLE said:

Mr. SPEAKER:

The dead are like the stars by day,
Withdrawn from mortal eye;
But not extinct, they hold their way
In glory through the sky.

Mr. Speaker, in life we are in the midst of death, none knowing upon whom the lot shall next fall. Who among us gave more promise of life and illustrious usefulness to his people and his country than did our deceased colleague, the Hon. JOHN L. SHEPPARD, for whom we mourn to-day?

A man of sturdy habits and happy disposition, loved and loving, and enjoying the highest confidence and esteem of those with whom he was associated in legislative and social life. Not only this, Mr. Speaker, but enjoying that confidence and support of his constituency at home that made him bold and fearless in their defense and ever watchful of their smallest interest.

This was his happy condition the day he was stricken with the fatal malady that at last claimed him as its victim. I remember with pain and sorrow the sadness that pervaded this House when the news of his sickness and probable death was whispered from ear to ear among his associates. Wonder and sorrow filled every heart, and all were dumb before the mysteries of Providence, and we exclaim:

Man cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

Mr. Speaker, having served with Mr. SHEPPARD upon one of the important committees in this House, and having watched his course with friendly pride, I find comfort in bearing testimony to the fact that as a member of this body he was faithful, intelligent, and efficient. He was not only zealous, but was active and earnest in the performance of his duties, and especially so when the interests of his district or his constituents were to be effected.

A man of positive convictions, and fearless in the expression or defense of them; a man of undoubted ability, possessed of all the elements that go to make up the valuable, effective, and safe legislator, he was genial and kind in his intercourse with his fellow-members, always candid, but courtly. So much in evidence were these splendid traits of character that it can be truthfully said that he had the confidence and esteem of the members of this House with whom he served; that in life he was honored and loved, and in death he is mourned by them.

Mr. Speaker, occurences like this bring us face to face with the mysteries of death and the greater mysteries of life. Man's existence and destiny are wrapped in mystery, and only for the Book of Books and the hope and faith it inspires all would be gloom and darkness at the beginning and at the end of life.

Most wondrous book! bright candle of the Lord!
Star of eternity! the only star
By which the bark of man could navigate
The sea of life, and gain the coast of eternal bliss.

But, Mr. Speaker, while we feel the loss of his companionship, his family the loss of his protection and love, and his district and the great State of Texas, which he in part represented, lost a faithful son and consecrated public service, yet, why should we mourn?

It is written that all must die. No one is exempt from this universal decree, and while we live to die, yet let us bind the fact close to our hearts that we must die to live evermore. Death is but the golden key that unlocks the door to that eternal palace that grants us the crown of everlasting joy and happiness.

Our brother has only beaten us in the race and won the crown that knows no pain or tears. Lived honored and loved; died regretted and mourned, and by an honest devoted life won for himself that bliss that awaits only the good. He is gone from us.

Yet shall we meet again in peace,
To sing the song of festal joy,
Where none shall bid our gladness cease,
And none our fellowship destroy.
There hand in hand, firm linked at last,
And heart to heart enfolded all,
We'll smile upon the troubled past,
And wonder why we wept at all.

The Life and Character of the Late Hon. John L. Sheppard.

REMARKS
OF
HON. OSCAR W. UNDERWOOD,
OF ALABAMA,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions—

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOHN L. SHEPPARD, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. UNDERWOOD said:

Mr. SPEAKER: JOHN L. SHEPPARD, in honor of whose memory we meet to mourn to-day, was a native of the great State whose commission I have the honor to hold as a member of this House. Alabama has furnished to the nation and to her sister States many men of whom she well may be proud. From the Golden Gate of California to the storm-swept shores of New England we find Alabamians who have occupied exalted positions on the bench and at the bar, who have been the foremost leaders in debate and the performance of high ideals in the National Congress, who have been honored by many States in being selected to administer the laws as their chief executive. In business and science they have kept pace with the foremost in the land, and those who have known and associated with the late JOHN L. SHEPPARD knew him to be a man who was the peer of any of the proud sons of his native State.

He was a man of great determination and force of character, possessed of high ideals and an indomitable determination to do only that which was right, but with all the force and will he possessed he was a man, except when duty called him to act otherwise, of a kindly, sympathetic, and retiring disposition, so much so that it was necessary to see him when duty called him to the front, or to know him intimately, to realize his real ability and the force and high character of the man. He was a valuable member of the House of Representatives, and both his State and his country have lost a useful legislator. His kindness to his friends and his earnest desire to serve them at all times, even at personal sacrifices to himself, have made them feel more keenly his loss. In his death we not only mourn the loss of a friend, a kind and considerate colleague, but we will feel his loss as an able adviser in the legislative halls, and a tireless worker for the good of his State and country.

The worldly hope men set their hearts upon
Turns ashes—or it prospers; and anon,
Like snow upon the desert's dusty face,
Lighting a little hour or two—was gone.

To exclude the business of "wild-cat insurance" from the use of the mails when those engaged therein fail to comply with the laws of the State or Territory wherein they are domiciled or have their headquarters will greatly aid the several States in regulating this nefarious business.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 17, 1903,

On the bill (S. 509) to create a new executive department of the Government to be known as the department of commerce and labor.

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN: I have already shown that the Supreme Court of the United States has held that "insurance is not commerce" in Hooper's case, 155 United States Supreme Court Report, and that Congress can not control the business of insurance under its grant of power to regulate interstate and foreign commerce.

However, Congress can exclude from the use of the mails objectionable business, and has done so, instances of which are obscene literature and lotteries.

The Louisiana lottery was driven out of business in the United States by excluding it from the use of the mails, and the law so operating was upheld in the noted Rapier case.

Let Congress, then, at once exclude what is known as wild-cat insurance business from the use of the mails.

Such a law would greatly aid the States in regulating the business of insurance.

The States can not control our postal service, since Congress has the exclusive right to do so.

These wild-cat insurance concerns do not employ agents, who are and can be easily reached by State laws, but do employ our mail service as their exclusive agent to start and carry on their nefarious business.

I repeat here, briefly, the way they operate. Those desiring to engage in this objectionable business will go, say, to New Jersey, and procure a charter without complying with the "operating" laws of that State, for the reason, they say, "we are going to operate in another State; we won't, therefore, hurt the people of New Jersey."

They then go, say, to Chicago and hire office rooms, get a desk, and are possibly licensed; but not desiring to do, and in fact not doing, any insurance business in Illinois, they refrain from complying with the laws of that State, which we class "operating" laws, enacted to protect the people from such frauds.

The State officials excuse them for noncompliance because they are going to operate, and do operate, in another State or States.

They then go out and buy the city directories of several cities, say in Tennessee and Kentucky, pick out the names of, say, the laboring class (who have no time to investigate and are not fully advised of the wily ways of the world), and they at once write to them, and they become soon the victims of this "wild cater," who sits in his office in Chicago and writes to whom he pleases, taking the names from his directories, and enters into insurance arrangements with such people as he can entice into his net by offering "cheap rates" and safe insurance, etc.

Observe that the mail service is the only agent used in negotiating this insurance, over which the States have no control.

The insurance commissioners know nothing of the undertaking (no agent appears in the State of the insured) for the reason stated—the whole contract is arranged through the mail.

When a loss occurs, when the little cabin is burnt down, the whole thing comes to light, but no redress can be had, and if it could be the insurer started out a bankrupt, no paid-up capital, no money, no nothing, to liquidate the loss, and why? Because he has failed to comply with the operating laws both of New Jersey and particularly of Illinois, the State of his domicile or headquarters.

Why should such insidious robbery be aided by the Federal Government allowing its mail service to be used to aid and encourage the execution of such a fraudulent business?

Let Congress exclude such lawless and immoral concerns from the use of the mails. Force all insurance concerns to comply fully with all the laws of the State or Territory wherein such concerns or persons are domiciled or have their headquarters, and where they insure, I may add.

This, as stated, will not hinder, but greatly aid, the States in preventing such objectionable insurance and save the people from great distress and loss of money and property.

At a meeting of the recent national convention of insurance commissioners of our several States, Mr. Reau E. Folk, insurance commissioner and treasurer of Tennessee, introduced a resolution, which was adopted by this body, requesting Congress to thus exclude "wild-cat insurance" from our mails. Mr. Folk is a most intelligent, able, honorable, and patriotic officer and citizen.

I submit, in further extending my remarks under the rule, without comment, his letter to me, including a copy of this resolution, his argument in favor of the passage of such a law, and a copy of his bill:

DEPARTMENT OF INSURANCE, STATE OF TENNESSEE,
Nashville, January 15, 1903.

Hon. J. W. GAINES, *Washington, D. C.*

DEAR SIR: I am sending you herewith copies of bill which I have drafted which seeks to deny the use of the mails to insurance companies not authorized by their home States. This bill is in accordance with the unanimous recommendation of the insurance commissioners convention at Columbus, Ohio, in September, 1902.

The bill is a reproduction of the present postal fraud law with insurance feature added.

I have written the various insurance commissioners, requesting them in turn to write their representatives in Congress urging their support of this measure. I have informed them that you will introduce the bill in the House.

You ask me for a statement of some of the reasons for the passage of this bill. I inclose herewith a statement in which I have briefly tried to go into some of the arguments.

If it is necessary to secure the passage of the bill that some of the insurance commissioners should be on hand, I think I could have several of them, including the president of the convention, meet with me in Washington.

Let me hear from you at your earliest convenience.

Yours, very truly,

REAU E. FOLK,
Insurance Commissioner.

Mr. Folk incloses the following resolution, including his explanation of his bill:

The legislation proposed by this bill is in accordance with the unanimous recommendation of the National Convention of Insurance Commissioners, held at Columbus, Ohio, in September, 1902.

The following is the resolution adopted by this convention:

"Whereas it is known to the insurance departments of the various States that certain concerns styling themselves 'insurance companies,' and purporting to write fire insurance are operating throughout the country, not only without regard to the insurance laws of the various States in which they seek patronage, but without authority of the insurance departments of the States wherein their headquarters are located; and

"Whereas it is the plan of procedure of these so-called insurance companies, in order to evade State laws, to refrain from seeking any business in the State of their headquarters, and in order to evade the laws of other States to refrain from sending agents into such other States, but to use the mails of the United States to further their unlawful business, thereby avoiding liability to arrest and prosecution; and

"Whereas concerns operating in this manner as a rule are totally irresponsible, their policies being of no value, and

"Whereas the offense in the various States of operating unauthorized insurance is only a misdemeanor and therefore not extraditable, rendering the State where the unauthorized insurance is written powerless to avenge the law where the operation has been transacted through the mails: Therefore, be it

"*Resolved by the convention of insurance commissioners*, That the committee on unauthorized insurance is hereby directed to draft a memorial to be presented on behalf of this convention to the Postmaster-General of the United States, acquainting him with the conditions and asking him to take cognizance of these matters whereby the United States mails are being used for base and fraudulent purposes and as a means of evading the criminal statutes of the various States.

"*Be it further resolved*, That the Postmaster-General be requested to deny the use of the mails to these pseudo insurance concerns where they seek to operate through the mails in the States wherein they have not procured license to do business from the proper authorities; or, if the Postmaster-General will not go so far, that he be requested at least to prohibit the mails to any pretending insurance company which is not authorized to do business by the proper insurance authorities of the State in which it has its domicile."

MEMORIAL TO CONGRESS.

The following is the memorial drafted by the convention, petitioning Congress to take cognizance of the situation and grant the desired relief:

To the Congress of the United States, Washington, D. C., greeting:

The national convention of insurance commissioners now in session at Columbus, Ohio, has the honor to address you for the purpose of respectfully and earnestly directing your attention to a serious condition of affairs which the members of this convention in their various jurisdictions are powerless to remedy, and from which substantial relief can only be obtained through enactment of amendments to the present postal laws.

We respectfully represent that to the best of our knowledge, information, and belief the United States mails are being used for fradulent and nefarious purposes by certain concerns styling themselves "insurance companies," and seeking by correspondence and advertising matter sent through the mails to obtain money for so-called fire-insurance policies, these policies being in most instances entirely worthless. None of the concerns in question is authorized to transact business by the authority of any State in the Union. They evade the laws of the States of their domicile by writing no business therein, and evade liability to arrest and prosecution in other States by operating entirely through the medium of the mails.

We respectfully urge that Congress will take cognizance of these matters to the end that proper laws may be passed to meet the serious situation.

Respectfully,

NATIONAL INSURANCE COMMISSIONERS' CONVENTION.

Purposes of the bill presented (by Mr. Folk):

This bill will accomplish the relief sought for. The relief proposed by this bill can only come through the National Congress. The public at large in this country is being imposed upon to a greater extent by unworthy concerns claiming to be insurance companies than by any other class of frauds. This imposition is only made possible by the use of the United States mails.

The various States through their legislatures have proceeded as far as possible to protect their people from these insurance impositions. They have set up a prudent standard of safety with which every company must comply before it can obtain license to legally transact business in the States. They have enacted laws making it a misdemeanor for any concern to operate the business of insurance in their boundaries without proper license to do

so, and making it a misdemeanor for any agent to represent any insurance concern not properly authorized. These efforts on the part of the States to protect their people from fraud, these laws designed to promote the public welfare and punish crime, are openly and flagrantly defied and evaded and set at naught through the medium and by the aid of the mails of the United States.

The favorite method of evasion is this: An underground or wildcat insurance concern will obtain a charter in one State, establish an office in another, and then proceed to circularize through the mails the people of the remaining States, claiming large amounts of assets and offering to write insurance at very low rates. Its victims only discover the imposition when a fire occurs. Great care and caution is exercised by the concern that no policy is solicited or written in the State of its headquarters.

The United States Government owes it to its people to withhold the privilege of the mails from such concerns, which at one and the same time use the mails for the purpose of defying the statutes of the various States and defrauding the general public. There are doubtless some unauthorized insurance concerns which are to a more or less extent responsible for their contracts, but these are the exceptions. Legislation to be wise must be made to apply to the general run of things; it should not permit abuses in order to protect the exceptions. No company which is responsible for its contracts will have any difficulty in obtaining authority from its home State

An insurance contract is a delicate one, and is essentially based on confidence. It is a promise on the part of the insurance company to perform some act based on a future contingency. The contract holder must have confidence, not only in the good intentions, but in the absolute financial ability of the company to carry out the contract, otherwise there would be no contract. Experience demonstrates that a large portion of the public, being itself honest, presumes the balance of the world to be so, and is prone to accept in good faith statements that are made. Specious pretense is frequently taken for true value and fact.

It is the policy of the Government, both Federal and State, to enact stringent laws against fraud of any character and against any method of imposition which is designed to inspire confidence for the purpose of securing money without giving adequate return. An imposition upon confidence is at all times a reprehensible, grievous offense against law and morality, but in the case of a bogus insurance contract it is not only this, but it is a most cruel crime. The revelation of the fraud comes at the time of disaster. The holder of a bogus insurance contract, when his house is swept away by fire, finds that the protection for which he has been paying is a myth, and that he has not only lost the money that he had paid for it, but that it has been the means of keeping him from taking real insurance.

How to reach the crime committed by the company under present conditions is a difficult problem. The company, in case of loss, is, of course, in another State; the crime of operating unauthorized insurance is only a misdemeanor; it is not extraditable. If the company should be indicted for fraud it can easily claim noncompliance with some condition of the contract, or set up its good intentions to pay at the time of writing the contract.

The various States, for the protection of their people, have insurance departments charged with the duty of granting license to any company that comes up to the standard of safety set by the statutes, and charging these departments further with the duty of holding every licensed company to a strict accountability for its contracts. The wisdom of this policy on the part of the States is very manifest. When a man makes a contract of any sort with his neighbor, he has means of knowing the ability of the neighbor to keep his contract.

The insurance company is usually remote from the contract holder, hence the contract holder has no means within himself of knowing the ability of the company to keep its contracts. Recognizing the vital importance of protecting the public, the policy of State supervision was inaugurated. It is easy for the citizen to ascertain whether the company which is seeking his business is licensed in his State, and if he finds it is licensed, that fact should be an evidence to him that the company is good for its contracts. He can obtain also from the insurance department any detailed information concerning the financial condition of any licensed company.

The only way, however, in which a State insurance department can protect its people from unauthorized companies is to advise them against such companies where possible, and to cause the arrest of any agent found in the State representing any such company. But it is totally impossible for the insurance department of any State to save the public from imposition from this quarter, except in isolated cases. The only remedy, the only relief, lies in the enactment of some legislation like this, taking away the privilege of using the mails to those unworthy concerns who are employing that privilege in most cases for nefarious and reprehensible purposes.

REAU G. FOLK,
Insurance Commissioner of the State of Tennessee.

Mr. Folk's bill is as follows:

A bill to amend "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," so as to apply the provisions of the act to persons or concerns seeking to do the business of fire, life, and other insurance without proper authority.

Be it enacted, etc., That section 3894 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 3894. No letter, postal card, or circular concerning any lottery, so-called gift concert, or similar enterprise offering prizes dependent upon lot or chance, or concerning schemes devised for the purpose of obtaining money or property under false pretenses, or concerning the business of fire, life, or other insurance conducted by any person or concern without having previously complied with the laws or regulations or ordinances of the State in which such insurance business is domiciled, or of the State in which it has its headquarters, and no list of the drawings at any lottery or similar scheme, and no lottery ticket or part thereof, and no check, draft, bill, money, postal note, or money order for the purchase of any ticket, tickets, or part thereof, or of any share or any chance in any such lottery or gift enterprise, shall be carried in the mail or delivered at or through any post-office or branch thereof, or by any letter carrier; nor shall any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery or gift enterprise of any kind offering prizes dependent upon lot or chance, or containing any list of prizes awarded at the drawings of any such lottery or gift enterprise, whether said list is of any part or of all of the drawings, be carried in the mail or delivered by any postmaster or letter carrier.

"Any person who shall knowingly deposit or cause to be deposited, or who shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of this section, or who shall knowingly cause to be delivered by mail anything herein forbidden to be carried by mail, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both such fine and imprisonment, for each offense.

"Any person violating any of the provisions of this section may be proceeded against by information or indictment, and tried and punished, either in the district at which the unlawful publication was mailed or to which it is carried by mail for delivery according to the direction thereon, or at which it is caused to be delivered by mail to the person to whom it is addressed."

SEC. 2. That section 3929 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 3929. The Postmaster-General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money or of any real or personal property by lot, chance, or drawing of any kind; or that any person or company is conducting any other scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises; or that any person or company is conducting the business of fire, life, or other insurance without having previously complied with the laws or regulations or ordinances of the State in which the business is domiciled, or in which it has its headquarters, instruct postmasters at any post-office at which letters or other mail matter arrives directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such letters or other mail matter to the postmaster at the office at which they were originally mailed, with the word 'Fraudulent' plainly written or stamped upon the outside thereof; and all such letters or other mail matter so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster-General may prescribe.

"But nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself. The public advertisement by such person or company so conducting such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by registered letters to any other person, firm, bank, or corporation, or association named therein, shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster-General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself."

SEC. 3. That section 4041 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4041. The Postmaster-General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any person or company is conducting the business of fire, life, or other insurance without having previously complied with the laws or regulations or ordinances of the State in which such business is domiciled, or of the State in which such person or company has his or its headquarters, forbid the payment by any postmaster to said person or company of any postal money orders drawn to his or its order, or in his or its favor, or the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders. But this shall not authorize any person to open any letter not addressed to himself.

"The public advertisement by such person or company so conducting any such lottery, gift, enterprise, scheme or advice, that remittances for the same may be made by means of postal money orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster-General shall not be precluded from ascertaining the existence of such agency in any other legal way."

SEC. 4. That the provisions of the act entitled "An act for the suppression of the lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," are hereby extended and made applicable to this act.

Monopoly and Trusts—Tariff on Coal.

SPEECH
OF
HON. JOSEPH B. CROWLEY,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, January 14, 1903,

On the bill (H. R. 16649) to provide a rebate of duties on coal.

Mr. CROWLEY said:

Mr. SPEAKER: The pending bill, while impotent and insufficient in its scope and purpose, is a reluctant concession wrung from the Republican party in its hour of terror as it faces the indignant, outraged, and freezing American public. To place coal on the free list for a period of one year and pay out of the public Treasury a rebate equal to the amount of the tariff tax on all coal imported, is a mockery on your professed humanity, a travesty on justice, and an insult to the intelligence of the American people. Had the policy of the Republican party been in harmony with its professions you would have placed coal on the free list as soon as this session of Congress convened. After a month and a half of hesitation, halting, and inaction, when the people are suffering in midwinter's grasp and it is too late for this legislation to result in any practical benefit or any material reduction in the price of the commodity, you rush into the Committee of the Whole House with a subterfuge and excuse for a remedy, when the situation demands heroic and humanitarian treatment.

The Republican party is responsible, both directly and indirectly, for the present coal famine. It is directly responsible, through its system of trust-breeding tariffs, for the existence of the "coal trust." It is indirectly responsible for the refusal of its Attorney-General to proceed both civilly and criminally against this monstrous and soulless "coal combine" for the violation of Federal statutes. It has been demonstrated by actual facts, and conceded by many of the most eminent Republican leaders that the

Republican tariff laws are abnormal in their extortions and a menace to the peace and prosperity of the wealth producers of our land.

I do not propose to frighten you as the people have done, by their demands for justice, neither do I intend to annoy you with the true theories of economics as advocated by the Democratic party, but I do call to witness against your present policy distinguished members or your own political household. If you deny their statements, you will convict yourselves of false pretenses and hypocrisy to the people.

I will commence with the distinguished chairman of your Congressional committee:

Shall we continue a tariff on articles that yield no revenues, need no protection, and are articles of export? How can such a policy be defended? It simply inures to the benefit of those who secure control of any such commodity, since by its aid they can fix exorbitant prices in the domestic market. (Congressman BABCOCK.)

I tell you, if we Republicans do not take the matter in hand and adjust our tariff to prevent inequalities and abuses, we shall not have the opportunity. (Mr. EUGENE FOSS, the Republican candidate for Congress in the Eleventh Massachusetts district.)

The people who cast the votes have the power to enforce the order that they be protected against foreign business rivals, whom they are already underselling in the foreign market. And every proof of the misapplication of the high-tariff system, such as Mr. Schwab furnishes, will incite the voters to exercise their authority at the polls. (Ex-Postmaster-General Wanamaker.)

There seems to be but one way to deal with the trusts, and that involves adjustments of the tariff on the products of the trusts. (Secretary of War Root.)

Ex-United States Senator Washburn, of Minnesota, a Republican, in an interview published in the New York Tribune, September 11, 1899, says:

"There is one thing that greatly disturbs me. The Republican party, whether justly or unjustly, is associated with trusts in the minds of the masses. As a party we have reached the crisis where we have got to call a halt. The Republican party has got to disconnect itself from the trusts. It has got to legislate them. The Republicans in Congress will have to examine the subject thoroughly, and whenever they find a trust is depending for its exorbitant profits largely upon protective duties it will be the duty of Republican Congressmen and Senators to remove the duties at once. This should be done with the duty on steel rails and tin plate."

John Sherman, ex-Secretary of the Treasury and United States Senator, said:

"Every advance toward a free exchange of commodities is an advance in civilization; every obstruction to a free exchange is born of the narrow despotic spirit which planted castles upon the Rhine to plunder peaceful commerce; every obstruction to commerce is a tax upon consumption; every facility to a free exchange cheapens commodities, increases trade and production, and promotes civilization. Nothing is worse than sectionalism within a nation, and nothing is better for the peace of nations than unrestricted freedom of commerce and intercourse with each other.

"The primary object of a protective tariff is to invite the fullest competition by individuals and corporations in domestic productions. If such individuals or corporations combine to advance the price of the domestic product, and to prevent the free result of open and fair competition, I would, without a moment's hesitation, reduce the duties on foreign goods competing with them in order to break down the combination. Whenever this free competition is evaded or avoided by combinations or corporations, the duty should be reduced and foreign competition promptly invited."

We must not repose in fancied security that we can forever sell everything and buy little or nothing. * * * The period of exclusiveness is past. Commercial wars are unprofitable. * * * If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad? (President McKinley in his last speech at Buffalo.)

The protective tariff is the parent of conditions that make it profitable for capital to combine. (Secretary Shaw.)

Henry Clay, who is regarded as the father of the protective system of this country, said in 1833:

"The theory of protection supposes that after a certain time the protected manufacturers will have acquired such strength and protection as will enable them subsequently unaided to stand against foreign competition."

Again in 1840, he said:

"No one, Mr. President, in the commencement of the protective policy ever supposed that it was to be perpetual."

Again in 1843, he said:

"My opinion that there is no danger hereafter of a high tariff is founded on the gratifying fact that our manufacturers have now taken a deep root. In their infancy, they needed a greater measure of protection, but as they grow and advance they acquire strength and stability, and consequently will require less protection. Even now, some branches of them are able to maintain in distant markets successful competition with rival foreign manufacturers."

I wish to add here some testimony taken before the Industrial Commission.

[Extract from the testimony of Henry O. Havemeyer before the United States Industrial Commission.]

The mother of all trusts is the customs tariff bill. The existing bill and the preceding ones have been the occasion of the formation of all the large trusts, with very few exceptions, inasmuch as they provide for an inordinate protection to all the interests of the country, sugar refining excepted. Economic advantages incident to the consolidation of large interests in the same line of business are a great incentive to their formation, but these bear a very insignificant proportion to the advantages granted in the way of protection under the customs tariff.

There probably is not an industry that requires a protection of more than 10 per cent ad valorem, and it is to obtain what is provided over such percentage in the tariff that leads to the formation of what are commonly spoken of as "trusts."

With a protection to an industry not exceeding 10 per cent all menace to the community from trusts would cease. This 10 per cent would represent the cost of production, and likewise act as a protection against surplus products of foreign countries being dumped into our local markets, thereby interfering with the regular and economic working of our industries. Any advantage that might then accrue to such combinations they would be fully entitled to, and the public would not be damaged thereby, as any expansion of price would be met by foreign competition and relief.

The following is an extract from Henry O. Havemeyer's testimony before the United States Industrial Commission:

Q. (By Mr. Farquhar.) Do you take into account, as an American (you say you are a protectionist), whatever may be your views of protection, that in making the tariff bills in this country or in making any impost legislation we have to take into consideration two great facts: first, the wages paid to American workmen, and, secondly, the interest on American money? Do you know of any industry in this country that 10 per cent ad valorem ever created—any one—even to the making of tacks?

A. Shall I be perfectly frank, anyway?

Q. Yes.

A. How about steel rails? Steel rails were exported at the time the steel schedule was under discussion; they were being sent to England and Scotland. They can be produced for $15 a ton; now the reason they are worth $24 a ton is because the people under the tariff are mulcted for the difference. I am not talking about things that are ancient history; I am talking about things that exist. I am not talking as to whether 100 per cent was necessary or not; I am talking about the effect of the tariff to-day, which is the mother of these trusts which are mulcting the people, and there is not a line of it free from this abuse to-day.

I offer the following extract from the sworn testimony of Herman B. Butler, a leading steel manufacturer, before the United States Industrial Commission, for the edification of those strangely constituted Republicans who think that our manufacturers will export $43,000,000 worth of steel in a single year at a loss on every ton:

Q. This very statement that you have made to the effect that American goods are often sold abroad cheaper than they are sold in the United States has been given as an argument in favor of the reduction of the tariff. Do you think it is an argument in favor of the removal of the tariff?

A. Well, if I were a manufacturer I should say that it was not a sufficient argument, but if I was a taxpayer I should say it was.

Charles M. Schwab, president of the steel trust, testified before the United States Industrial Commission that export prices were lower than domestic prices on the products of the steel trust. The following is a verbatim extract from the records of the Commission:

Q. (By Mr. Jenks.) I should like to go back for a moment to the question of lower export prices. You said that last year the export price was considerably lower than the price in the United States. Would you give us definite figures?

A. I have not them at hand, but it would vary with each article.

Q. Suppose you take the case of steel rails; could you give us about the difference between export and home prices?

A. I would have to make a guess. I do not know definitely. The export price was about $23 per ton.

Q. And the price here?

A. Was $26 and $28 per ton.

Q. At the same time?

A. At the same time.

When it is remembered that the freight rate between Pittsburg and Liverpool is approximately $5 per ton, and that the $23 price in England includes the freight—in other words that the steel trust pays that freight to Liverpool and then sells it at $23 per ton, it will be evident to what extent the people are being robbed through the agency of a trust-making tariff.

The steel trust people are sure to take care of themselves, as is shown by the following extract from the evidence of Mr. Schwab, president of the steel trust, before the United States Industrial Commission:

Q. Is there any foreign tariff that stands in the way of the development of your business?

A. Yes, indeed; you are quite right about that. If we could succeed in getting the tariff off in Germany and France and Austria it would help us very much.

Q. Does not the same reasoning apply to our tariff as it comes in contact with the products of foreign steel mills?

A. I think so, but I think we are looking out for ourselves first.

Garfield announced the doctrine of his party to be "protective tariff that leads to ultimate free trade." His latter-day followers have revised that doctrine so as to make it more up to date. It now is "protective tariff that leads to big campaign contributions on the part of the trusts."

Senator FORAKER, in his speech at Akron, Ohio, last fall, conceded that "to admit duty free all articles the like of which are produced in this country would probably stop the trusts."

We favor any modification of the tariff schedules as will prevent their affording shelter to monopoly. (Iowa Republican platform.)

We favor such revision of the tariff as will place upon the free list every article and product controlled by any monopoly. (Idaho Republican platform.)

It must be confessed that in many instances protection has been made wholly superfluous so far as the interests of industry are concerned and oppressive so far as the people are concerned. (Baltimore American (Rep.).)

It is a notorious fact that some of the tariff schedules do afford shelter to monopoly; that is, they permit certain trusts or combines to exact from domestic consumers unreasonably high prices for their products—prices higher than could be exacted if the tariff afforded no more protection than is necessary to enable the American producers to compete on even terms with their foreign rivals. (Chicago Tribune (Rep.).)

The coal trust of Pennsylvania is perfectly protected by the tariff, and its cruel rapacity is only one more factor in arousing all over this country a demand for a sensible revision of the tariff, which, as the American has ably pointed out in its editorial columns, the Republican party will be unwise, indeed, to ignore. (Baltimore American (Rep.).)

It was General GROSVENOR, "the father of all political fables," who said in the course of a tariff debate:

Oh, what a tangled web we weave
When first we practice to deceive.

The Republican party has woven this web around itself while practicing to deceive the people on the tariff question, and it has awakened to that fact through the schisms within its own ranks.

Mr. Speaker, these are only a few quotations from unquestioned Republican authority, but they all go to prove that the theory of protection as practiced by the Republican party has culminated in a gigantic piece of legislative machinery that takes the wealth of the nation from the people to whom it belongs, and transfers it to the favored few, who control and dominate the Republican party and through it the Government.

In 1900 the Philadelphia Times published an article penned by the distinguished gentleman from New York [Mr. SULZER], that expresses my conception of the dangers that threaten our free institutions by the encroachments of these gigantic combinations of centralized greed. The article reads in part as follows:

These gigantic combinations constitute, in my judgment, the greatest menace at the present time to our democratic institutions. They control the supply, monopolize the product, and dictate the price of every necessity of life. They force out of legitimate employment thousands and thousands of honest toilers. They enhance prices, reduce wages, and write the terms of their own contracts. They paralyze opportunities, assassinate labor, and hold the consumers of our country in their monopolistic grasp. They levy tribute on every man, woman, and child in the Republic. They blight the poor man's home, darken the hearthside of his children, and cloud the star of youth's legitimate hope.

They control legislation, escape taxation, and evade the just burdens of government, while their agents construct and maintain tariffs to suit their selfish ends and greedy purposes. They imperil trade, stagnate industry, regulate foreign and interstate commerce, declare quarterly dividends on watered stock, and make fortunes every year out of the people. Their tyrannical power, rapid growth, and centralization of wealth is the marvel of recent times and the saddest commentary on our legislative history. Prior to the civil war there was not a trust in the country, except the United States Bank trust, which Jackson killed, but to-day they practically own, run, and control the Government, and defy successful prosecution for violation of law. If their power of centralization is not speedily checked, and they go on for another quarter of a century as they have in the past few years, I believe our free institutions will be destroyed, and instead of a Government of the people, by the people, and for the people, we will have a Government of the trusts, by the trusts, and for the trusts.

The centralization of wealth in the hands of the few by the robbery of the many during the past quarter of a century has been simply enormous, and the facts and figures are appalling. Three-quarters of the entire wealth of our land appears to be concentrated in the hands of a very small minority of the people, and the number of persons constituting that minority grows smaller every year. The legislative schemes which have been favored for checking this growing centralization of wealth are generally the most elusive and the most impotent.

Impartial students of these startling facts can hardly escape the irresistible conclusion that a conspiracy exists, and has existed for some time, to convert the Government of the United States into a powerful oligarchy of wealth. The millionaires, the plutocrats, the trusts, the monopolies, and the syndicates seem to be supreme and legislate for their own interests. The yeomanry of our country will soon be reduced to a condition of industrial serfdom more pitiable than ever existed before in the history of the world.

The money power, the trusts, the syndicates, and the favored few of the land threaten the perpetuity of our free institutions by subsidizing the pulpit, buying the press, seating well-paid attorneys in legislative halls and courts of justice, stifling free speech and the right of lawful assembly, and stretching out their tentacles to the colleges to crush professors who have the courage to tell the truth.

Mr. Speaker, it is manifest that the coal trust and other trusts have more influence with the Attorney-General than the 99 per cent of the American people. This seems to be proven by the evidence taken before the Industrial Commission. The facts brought out in volume 19 of the Commission's report show beyond any question of doubt that a monopoly in anthracite coal does exist in violation of the laws of Pennsylvania as well as in violation of the Sherman antitrust act. These facts with other and definite evidence was placed in the hands of the Attorney-General by Hon. W. R. Hearst last October. Yet no steps have been taken by the Attorney-General to punish or bring to justice the criminals.

In 1901 Hon. H. B. Martin, secretary of the American Anti-Trust League, placed in the hands of Mr. Knox equally as strong evidence concerning the violations of law of the United States Steel Corporation, and after repeated efforts to have the Attorney-General proceed against the steel trust was finally informed by Mr. Knox that he "did not intend to take the case up." The facts in this and similar cases can be found in the speech of Hon. DUDLEY WOOTEN of Texas, printed in the RECORD of last July, and the speech of Senator TILLMAN, in the CONGRESSIONAL RECORD of the present month.

I will add here some more evidence corroborative of the facts I have stated above:

The evils of tariff-protected trusts are not entirely measured by the injury inflicted by artificially high prices, as many people assume. These evils extend into political and social life and even into our colleges.

The protective tariff is responsible for much of the corruption in politics. It is not by chance that Pennsylvania has been for thirty years the worst boss-ridden State in this country. The Camerons and QUAYS have political power and influence because they serve the protected trusts. It is not by chance that the few labor organizations inimical to the public welfare are centered in the highly protected industries of Pennsylvania. It is not by chance that a large portion of the workingmen employed by the protected trusts are ignorant immigrants working under conditions of semislavery. It is not by chance that there are so many millionaires in Congress to safeguard the protected industries. It is because the protected trusts have completely corrupted politics, and have sent their agents to Congress that the protected interests have for years dictated tariff legislation at Washington.

As Mr. Henry L. Nelson says, "Since 1875 Congress has not legislated on the tariff, it has simply affirmed or ratified the decrees of the beneficiaries of the tariff. These people have transformed the Government into a socialism, in which they are not merely the favored class, they constitute the only class." (Mr. Byron Holt in his testimony before the United States Industrial Commission.)

Nearly all of the information on this point which I have obtained during the last few years has been strictly confidential. In this way I learned a few days ago that tin plate is being extensively offered and in some instances has been sold to manufacturers of cans and packages, to be filled with products for export, at about $1 per box below the price to other manufacturers and consumers. I also learned last week, from an entirely reliable source, that steel rails were sold some three months ago to foreigners at less than $21 per ton. I could specify the exact price, names of both seller and buyer in an important recent transaction, but am not permitted to do so. These rails were sold with the provision that they were not to be used in the United States. That steel rails are sold for export at whatever the manufacturer can get above $20, and perhaps for considerable less if the time of delivery is remote enough, I do not doubt. The manufacturers' pool or selling agreement, under which rails are now sold for $28, is not effective on rails sold to foreigners or for export. The newspapers of a month or so ago contained the details of a sale of steel rails to an English firm for $15 per ton (allowing for freight) less than the price to Americans. The New York World of April 9, 1901, thus states the case:

"Mr. Charles Thulin, a Pennsylvania contractor, recently secured a contract to supply rails for Russia's great Siberian railway. He asked the leading steel trust companies here for bids. They all asked him about $35 per ton, with freight to be added. Mr. Thulin went over to England, sublet his contract to an English firm, and one of the same companies that had asked him $35 plus freight here sold the rails at $24 a ton delivered in England to the English subcontractor."

The extent to which goods are sold cheaper for export than in the home market is not known to most people, because the trusts—and protected trusts are the worst offenders—take pains to conceal export prices and practically pledge all parties concerned to keep all such knowledge from reaching the public.

"After having investigated this subject for more than ten years, I have reached the conclusion that practically all of our manufactured products are sold to foreigners for less than to Americans. The minimum difference is about 10 per cent. The average difference in price is probably 20 per cent and on our really protected products above 25 per cent. Often we who pay the tariff taxes devoted to nourishing these 'infant industries' must pay 50 to 100 per cent more for the products of these coddled industries than is paid by foreigners who do not pay our nursing taxes. Thus during the two years ending December 31, 1900, we exported 136,000,000 pounds of wire nails. Had these nails been sold in this country they would have brought $3,650,000, according to the average price of 2.68 cents per pound given in the Iron Age of January 3, 1901. The Government's statistics tell us that the foreigners paid $3,220,000, or an average of 2.44 cents per pound. As nails were being sold for export in December, 1899, at $2.14, when they were being sold here for $3.53 per keg, the highest price within ten years, it is probable that the average export price for 1899 and 1900 was about 2 cents per pound; that is, our petted steel and wire trust charged us about $1,000,000 more than they charged foreigners for the same quantity of nails in these two years." (Byron Holt in his testimony before the United States Industrial Commission.)

Before leaving this great steel trust, I wish to quote a part of the letter of F. A. Wilmot, president of the Wilmot & Hobbs Manufacturing Company, Bridgeport, Conn., in the Iron Age of May 2, 1901:

TO THE EDITOR: Noticing that you have given considerable prominence in recent issues to the organization of the Manufacturers' Association of Bridgeport, and to the end that the manufacturers' associations of other cities and other manufacturers in other cities where manufacturers' associations are in process of formation or are contemplated, we would suggest that you give due prominence to the position which these manufacturing associations in the various cities, particularly along the Atlantic seaboard and Canadian border, and especially in New England, are taking as regards their present handicap in the cost of raw material, such as coal, coke, iron ore, pig iron, steel ingots and billets, and their desire to have these commodities placed by Congress immediately upon the free list. They believe that as these materials are produced cheaper in this country than in any other portion of the world and are sold abroad at lower prices than along the seaboard and Canadian border, the industries which produce them are no longer infant and do not need protection.

They believe that protection, so called, is but another term for government assistance to monopolies and trusts. This position the Government, as it now exists, can ill afford to assume, nor can it allow the people to feel that it is drifting into such position where it is so working hand in hand with gigantic trusts; for when the people realize such to be the condition they will undoubtedly rise in their might and by their votes change the conditions and government which permits such conditions. * * * It is to be hoped that the Government of the United States will appreciate the position and make such changes in tariff regulations or duties from time to time as will result in putting upon the free list such commodities as do not further need protection on the score of their being infant industries.

Testimony of George H. Mayer, assistant manager glass department of the firm of John Lucas & Co., of Philadelphia, before the United States Industrial Commission, December 20, 1900:

Q. Does it not seem to you that under the provisions of the laws of the United States, which you have heard read here, you have a speedy and effective and inexpensive remedy against their alleged abuses?

A. I think that has been brought forth in the testimony of the previous witness. But at the same time the cause for the evil exists and will exist whether we should obtain a speedy remedy from any Federal court or not. It remains in the form of an oppressive, exorbitant tariff, of which the manufacturers are taking an undue advantage. The tariff, as I understand it, is primarily for the purpose of protecting the American industries and propagating them, and at the same time for the protection of the workingman against the low wages in Europe. But, as I have stated before, I have not heard or I have not known of any increase given in the wages to the workingmen by the plate-glass manufacturers here, and we do know to a certainty that they have increased the price to the consumer 150 per cent.

Testimony of Mr. Henry Lamb before the United States Industrial Commission:

I should say the trust in general, outside of the tariff trust, takes this position: "We are rendering a service better than anybody else can render it."

The position of the tariff trust seems to me to be this: "Nobody shall render this service but ourselves; whether it can be rendered better by anybody else or not, nobody else shall render it." That, I should say, is the broad distinction between trusts in general and the tariff trusts.

I ought to further say that I have no accusations to bring against specific tariff trusts; that my relations with them are personally pleasant in several lines of business. I must myself plead guilty to being in a small degree a stockholder in some of them; but what I do desire is to prevent the United States Government from aiding them in obstructing service, for that is what they do. It is evident that if somebody else can render services cheaper than these tariff trusts are rendering it, and nothing in the world but the tariff prevents that service being rendered more cheaply, then the service is obstructed.

The bad faith of the Republicans in the Fifty-sixth Congress, when they pigeonholed their own antitrust bill in the Senate, is too well known to need discussion at this time. But within less than a year they voted against their present professions. It happened in this way: The permanent census bill was under consideration in the Senate on the 15th of last February, when Senator DUBOIS, of Idaho, offered an amendment to the bill providing a so-called remedy for the trust, in direct accord with the recommendation of the President in his message to Congress. In offering the amendment, Senator DUBOIS said:

I am not making an indiscriminate attack on the trusts. My amendment simply carries out fully the suggestion of President Roosevelt, which is that the utmost publicity shall be given to the trusts.

When the vote was taken on the amendment the Republican Senators voted against it to a man.

When the constitutional amendment fake was presented by the Republicans for campaign purposes in the closing days of the Fifty-sixth Congress, the Washington Post commented editorially as follows:

The antitrust amendment device is too shallow to deceive anybody with sense enough to decline an invitation to buy a gold brick or to go out as a bag holder on a snipe-hunting expedition, and by supporting this constitutional amendment Democrats would have deliberately connived at the permanent retirement of the trust issue.

And at the same time the New York Sun took occasion to say:

This is the most dishonest, and therefore the most disreputable, piece of work achieved during the present session by the leaders of the Republican policy in the House. The dishonesty of the performance lies in the fact that there was no expectation on the part of the author of this resolution or of the Republicans of the Judiciary Committee who favorably reported it, or of the Republicans of the House who were willing to vote for it, that as the proposed sixteenth amendment it will ever amount to more than a campaign trick of the cheapest and unworthiest kind.

These are statements from newspapers that are anything but Democratic.

That the Republican party is systematically debasing labor and exalting wealth is proven by a glance at the CONGRESSIONAL RECORD of June 2, 1900, when the Littlefield antitrust bill was pending. On that day, as recorded by the CONGRESSIONAL RECORD, on page 6994, the Democratic minority introduced the following amendment to the Littlefield antitrust bill:

Nothing in this act shall be so constituted as to apply to trade unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed.

A yea-and-nay vote was taken on the amendment at the request of Hon. JAMES D. RICHARDSON, the Democratic leader in the House, who voted for the amendment. On the other hand, the nay vote shows that the Hon. CHARLES E. LITTLEFIELD, who framed the antitrust bill, voted against the amendment. His bill was so framed as to include the labor organizations in the list of "unlawful combinations." Representative CANNON, the next Speaker of the House, voted against the amendment, too, as did Congressmen Aldrich, ALLEN of Maine, Governor-elect Bailey of Kansas, CALDERHEAD, HITT of Illinois, and LONG of Kansas, all Republican leaders of more or less prominence. When Republican leaders will vote to make labor organizations unlawful, does it look as if the Republican party is the friend of labor?

Mr. Speaker, it is evident from the legislative deeds of the Republican party that the organization has degenerated into a mere registering machine to carry out the will of the trusts—its masters. Its platform pledges and political promises are but thinly veiled statements to delude the people. This is admitted by the chairman of the Ways and Means Committee of the present House:

The gentleman from New York [Mr. PAYNE] declares that the declarations of the Republican platform do not mean anything. (FRANCIS W. CUSHMAN (Republican) in the House of Representatives April 17, 1902.)

Mr. PAYNE certainly knew what he was talking about.

For thirteen long years the Republicans have been telling the country what they were going to do to the trusts. But the unsympathetic, cold-hearted type of the CONGRESSIONAL RECORD is full of empty words that have not been "backed up by deeds." The inclination of their tongues in one direction and the backpeddling of their promises in the opposite direction is a political paradox that would be amusing if its effect on the people was not so serious.

In conclusion, I desire to say that in my opinion the coal strike could have been prevented and the coal famine avoided had the Republican party not been owned body and soul by—

The corporation lords, who mock
The forms the law allows,
And know the way to water stock
With sweat of others' brows.

At the dawn of the present century it is manifest that the representatives of this "hierarchy of infernal splendor" sit in high places of the Government, with the dollar mark as their symbol of power, and instruct the Attorney-General how to violate his oath of office and defeat the ends of justice.

Rebate on Coal.

SPEECH
OF
HON. FREDERICK J. KERN,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 14, 1903,

On the bill (H. R. 16649) to provide for a rebate of duties on coal.

Mr. KERN said:

Mr. SPEAKER: It is proposed in the pending measure to suspend the tariff duty on coal for the period of one year. The Dingley tariff act, which is the tariff law now in force, fixed the rate of duty at 67 cents a ton on all coal imported into the United States. The bill before the House and now under consideration proposes to put coal on the free list and to admit it from abroad without obstructing its influx by the artificial barrier afforded by so-called protective tariff regulations. The pending bill is perhaps the shortest measure which this Congress, in all of its deliberations, has considered. Exclusive of the enacting clause, it is expressed in an aggregate of less than sixty words. Yet I believe that it is a measure far-reaching in its consequences and prophetic in its trend.

The bill is as a matter of course fathered by the majority party in this House. The most striking feature in it is the fact that it is diametrically opposed to all of the declared policies of the Republican party on the tariff question. The song has been dinned into our ears from our earliest childhood up to this time that the so-called protective tariff is designed to raise wages, and that it is maintained for the purpose of enlarging the incomes of the laboring men employed in the industry which any particular item in the schedule affects. The protectionist leaders do not seem to fear, however, that the removal of the duty on coal will affect deleteriously the wages of the men who are employed in the coal-producing industry. The miners in the eastern part of this country are dissatisfied with the wages which they are now receiving. The conditions of employment under which they are working and earning their daily bread have engendered discontent of the bitterest sort among them.

They have manifested their dissatisfaction with prevailing conditions by engaging in one of the most momentous and costly labor strikes of the century. Necessarily they endured the greatest hardships themselves during the time the strike lasted. No disturbance of the magnitude and persistence of the Pennsylvania strike can spring from any but aggravated causes. That the conditions in the mining industry, so far as the physical labor in it is concerned, in the eastern section of this country are deplorable in the extreme is a fact which the country well knows and which requires no elaboration here. Surely if a protective tariff raises wages the tariff on coal is a duty which ought not to be removed, and if it ought to be changed at all at this time, it ought to be raised. It is therefore not unreasonable to say that the most inconsistent act which the Republican party has ever committed it will commit when, through its instrumentality, this duty is removed.

Furthermore, the ostensible purpose for removing this duty is to benefit the consumer. Under these two startling admissions it seems clear to me, Mr. Speaker, that the protective theory falls flat to the ground and that all of the ingenious arguments which have hitherto served to sustain it and to delude the people on this live question are irrevocably refuted by its champions and friends. If the removal of the tariff duty on coal will benefit the consumer then the repeal of the sugar tariff and of the iron tariff and of the tin tariff and of the barbed-wire tariff and of the machinery tariff and of every other tariff will produce an identical result.

By way of evading the consequences of the deductions which are inevitable the distinguished gentleman of Pennsylvania [Mr. DALZELL] adroitly resorts to an expedient which, while it is perhaps not so damaging to his hobby as candor and fair dealing

would be, may serve its purpose with the unthinking, and certainly is ingenious enough in its way. The resourceful chairman of the Committee on Rules, speaking deliberately and with forethought, in opening this debate made the following statement:

Now, I want to say here and now, speaking for myself, that I do not believe that this legislation will introduce into the market an additional pound of coal. I do not believe that any coal will be imported that would not have been imported without the passage of this bill. I do not believe that it will have any appreciable effect upon the price of coal. I do not believe that any legislation can affect the greed and avarice of the cormorants who are taking advantage of the present condition to oppress people already oppressed. But it will do one thing—it will satisfy the great public that believes that Congress can do something, and it will show the disposition of Congress to do everything that it can do to alleviate this distress.

According to this language the proposed legislation is, plainly speaking, a transparent humbug. No relief for the people suffering from the coal famine is expected to follow its enactment into law. The people look to Congress for relief from a distressing situation. Congress will act; yet the thing that Congress will do will not give to the people the relief which they are seeking.

This is a humiliating confession, humiliating as it is candidly made by the gentleman from Pennsylvania, of the utter incompetency of the majority party to deal effectually with the vital problem of the hour, of its hopeless impotency in the face of an acute disease in the body politic developed to the highest danger point, to apply any remedy whatever which promises even the slightest relief from prevalent distress. The gentlemen on the other side frankly confess that there is woeful suffering spread throughout the length and breadth of the land on account of the fuel famine.

People by the hundreds are dying every day in our country for want of sufficient fuel to keep them warm. They are freezing to death. In a land where nature has provided an overabundance of fuel they are dying from exposure to the elements. The aged and the little children, who should be the first objects of our especial care and deepest solicitude, are dropping away first. Among them the death rate is the highest and the greatest. Hundreds of thousands more who will escape immediate death are contracting maladies which neither time nor science will conquer. The conditions are deplorable and the prospect is appalling to contemplate.

The pitiful cry for relief has gone up. The wail of distress has penetrated the halls of Congress, and it has reached the ears of the chosen representatives of a sovereign people. Congress has heard the imploring clamor for pressing relief, but we, who are here serving the people as their representatives, are told in cold-blooded fashion that Congress will have completely exhausted its powers in the premises when it will have removed the duty on coal. Is this not an admission, Mr. Speaker, that Congress brought on this crisis and that the responsibility for its ravages rests upon the head of Congress by this body ever having imposed this duty?

But this is the conclusion which the gentleman from Pennsylvania tries to escape when he gives it as his deliberate opinion, and the distinguished chairman of the Committee on Ways and Means from New York [Mr. PAYNE] supports him in that opinion when he plainly states that the removal of the duty on coal will not relieve in the slightest degree the distressing situation. This proposed legislation is, then, confessedly, a mere subterfuge designed to fool and deceive the people, brazenly admitted to be so by the acknowledged leaders of the majority party in this House. The people are clamoring for bread, Mr. Speaker, and you are offering them a stone in lieu of it. Is this not a case of willful trifling with the people who elected you?

You confess that you are trying to delude them. The excuse you offer is that you are exhausting the power of Congress to do something in the premises, yet you admit that that which you are trying to do is thoroughly impractical and will be wholly fruitless in results.

Rest assured, however, that the attempt that you are making to deceive the populace will not succeed. The people fully understand this proposed legislation in all of its bearings. Their intelligence is alert, and their watchful eye is upon you. Yet you might as well make the additional confession that you well know that they have long since ceased to look to you for substantial relief in cases of distress arising from evils which are the outgrowth of social wrongs, tolerated only on account of their antiquity.

It is idle, Mr. Speaker, to try to shift the blame for the unfortunate condition with which the country is face to face on honest workingmen in Pennsylvania who struck for higher wages and better conditions of employment for the simple reason that their condition had become unbearable when they suspended toil. It is as foolish as it is wicked to blame these men for banding themselves together and forming an effectual organization. The avarice of the operators and their refusal to pay their men living wages and to concede them halfway decent and humane conditions of employment caused the Pennsylvania strike. The men organized under the first law of nature, which is the law of self-defense. They tried to do for themselves that which Congress and the State legislatures have persistently and stubbornly refused to do for them.

They organized in an effort to secure something like a fair division of the proceeds of their unremitting toil. They organized to build up the strength necessary to enable them to force lawmakers to do things for them in the name of justice, and the eternal right, which they refused to do voluntarily.

The responsibility for the prevailing coal famine in this country rests entirely with the combined and consolidated coal and railway monopoly. This combination must be broken up before permanent relief can be hoped for. You might as well try to obscure the light of the sun with a porous plaster as to try to injure or sunder this conspiracy of all-devouring monopolies, by the removal of the tariff duty on coal. That band of heartless brigands which is in control of these monopolies does not fear such a proposition. It does not care a snap of its fingers for it. It can well afford to laugh at the farcical proceeding.

Numerous monopolies need the protective tariff to insure them a continuation of life. They could not exist for a day without a high protective tariff. But the coal monopoly does not need the protective tariff to perpetuate its existence, nor to afford it immunity from interference and natural and wholesome competition in its criminal operations. All of the anthracite coal in the world is located in this country, and 95 per cent of that within the boundaries of the State of Pennsylvania.

The coal trust stands on firmer rock than that afforded by discriminative tariff duties. It has made itself by stealthy and steady strides the sole proprietor and the undisputed master of nature's bounties and gifts to all of God's children in so far as the base of its supply is involved. It absolutely owns and controls in its own name and holds a clear title to enough of the untouched coal deposits laid away in the bowels of the earth by the slow work of uncounted ages in the anthracite fields to reduce large numbers of the American people to the groveling level of abject dependency with regard to its needs for fuel.

This form of monopoly is ten thousand times worse and ten thousand times more vicious than any monopoly which the protective tariff has created or ever can create. To make the cinch complete and invulnerable, to make it a genuine rock-ribbed, lead-pipe cinch, the same combination of capitalists which holds almost absolutely the anthracite coal supply under its control possesses in addition the exclusive transportation facilities and has monopolized them also. This consolidation of plutocratic combines forms what is known as the "coal trust." It is the most perfect machine for robbing the people of their substance which satanic ingenuity has yet contrived. It is the most diabolical conspiracy for oppressing labor and appropriating the fruits of its toil which the world in the entire course of its existence has seen. Chattel slavery was child's play as compared with it.

This coal trust is arrogant, audacious, greedy, selfish, and corrupt to the core. It knows no law except that of self-interest. It sets in open defiance all rightly constituted authority. It ruthlessly throws all established and honorable standards to the ground. It steals not merely men's property without any compunctions of conscience whatever, but it destroys and murders their most sacred rights. The blood and muscle of children of tender age it neither hesitates nor scruples to coin into gold. The purity and the sanctity of the institution of government it holds in smiling contempt. It is thoroughly law defying, anarchistic in its bold manipulations. The political party that does its servile bidding gets its unqualified and substantial support. The politician who stoops to become its pliant tool, ever willing to obey its commands and never questioning them, is its statesman and its saint. Intrenched as it is in usurped power, it neither fears nor respects God nor man. It exercises its power with the arbitrariness of a despot.

I fully agree with the gentleman from Pennsylvania and the gentleman from New York that this combination will give us the "horse laugh" when we resort to no more drastic remedy than that proposed in the removal of the buncombe duty on coal to relieve the existing situation. But I do not believe in the plan to fool the people. I discountenance that plan and hammer upon it the stamp of my hearty disapproval and my profoundest contempt. I shall vote for the bill only because I believe it to be a move in the right direction. It wipes one stain from the statute books of the nation. At the same time I insist on the right to tell the people the unvarnished truth in the clearest light that it is given me to see concerning this attempted subterfuge.

If Congress is as impotent to deal with this question or with other vital questions as these statesmen tell us it is, then it is time for the people to learn that fact. I do not believe that it is. I believe that Congress and the Executive have full power under the Constitution to break up every monopoly that preys upon the people and robs them of their wealth. I believe that if existing

laws had been rigorously enforced the present crisis would never have arisen to leave death and suffering in its train. If existing laws are insufficient to deal with the question it is the business of the President and his Attorney-General to let us know it, and it is our duty to deal with the situation in an effectual way and not to waste time and disseminate confusion in the further piling up of labeled humbugs.

Government is not merely a negative force. It has an affirmative and constructive character as well. If government is not a practical thing, clothed with a power to do things of practical value for the people, then it is a ridiculous travesty. It is simply a gigantic zero with the circumference wiped out. Furthermore, a government that will not protect the weak against the strong is in grave danger of sacrificing the respect of those who live under the folds of its flag. In the contempt thus bred the seeds of anarchy lie dormant and threaten at any time to shoot up their poisonous sprouts like mushrooms in a dark cellar. In my opinian the government should be strong enough and virile enough to protect society against the rich rascal as well as against the depredations of the poor thief.

By the weak I do not mean those alone who are infirm, old, feeble, or very young, or sick or maimed or deformed. The gobbling up of unjust privilege, the establishment of monopolies, the centralization of combined and consolidated wealth has secured terrible advantage for a small class of the predatory rich in our social organization. The amassing of wealth, as experience amply proves, is accompanied by the acquisition of undue political power. It is the duty of Congress and the legislatures to curb that and keep it within reasonable bounds. The strong rich man can abuse his superior strength as well as the strong man physically can, and he does it much oftener and with less respect for the feelings of his victims. He has formed the trusts, which are the blight, the curse, and the arch evil in this country to-day, and the trusts will destroy this Government, sure as death, if the Government does not destroy them or in some way strip them of their power for evil doing.

The blame for the prevailing coal famine is indiscriminately saddled on the unfortunate miners who struck for their just rights and dues in the anthracite coal fields of Pennsylvania last summer. That is an easy way out of a perplexing dilemma, and in this fact lies concealed the reason the dodging expedient finds such ready acceptance and so many adherents, both on this floor and by careless scribblers for the public press. Let us examine this convenient and seductive theory for a moment. The Associated Press reported 11 deaths outright from freezing in the city of Chicago last Monday. It reported, furthermore, that there were 200,000 persons in acute distress and in imminent danger on account of the coal famine in the same city. On the same page of the same sheet which contained these accounts the same concern reported the following from a reliable and official source:

SPRINGFIELD, ILL., *January 12, 1903.*

Adam Menche, president of the State Federation of Labor, was questioned to-night relative to a report from Chicago that the grand jury which is investigating the alleged coal combine there will ask the Illinois miners to work ten hours per day in order to relieve the situation.

Mr. Menche stated very emphatically that the miners would never consent to this.

He declared that the operators and railroads are solely to blame for the existing coal famine, and that some mines in the State are idle because of the scarcity of coal cars.

Mr. Menche declared that there are to-day 36 miles of loaded cars in Chicago alone, and that they have been there for some time, and that here in Springfield the Chicago and Alton has four strings of coal cars three blocks each in length.

He declared that the people are being misled by false statements by the operators and railroad officials, and that the miners would not work ten hours per day even if offered overtime.

I have the high and proud honor of representing a wealthy coal mining district in this Congress, and in the mines of my district there was no strike last summer. I can bear truthful witness to the fact from my own personal knowledge that at the coal mines operated in my Congressional district there was a dire car famine long before there was a coal famine in this country. The miners in these mines were not given a chance to work full time. They were not only willing but they were extremely anxious to work full time. In numberless cases these men went to the mines early in the morning arrayed in their working clothes and carrying in their dinner pails their food supplies for the day and in their canteens their coffee for the day. Arriving at their destination they were informed that there were no cars on the switch, nor were any cars expected during the day, and consequently there was in sight no opportunity for work for that particular day. They were compelled to return reluctantly to their respective homes with their dinner pails and canteens still filled, their hearts heavy on account of no prospect for a day's much-needed wages in the family.

Why were the cars withheld? Is it not reasonable to assume that a deliberate and deep-laid plot was formed behind the closed doors of some dark star-chamber somewhere to create the prevailing famine, so that high prices might be extorted and dividends and profits increased? Surely the miners in the Central West could have no material interest in the matter. Their mines are all unionized. The scale of wages under which they worked was agreed upon a long time before the miners in the anthracite fields laid down their tools and refused to work any longer under prevailing conditions. The miners in the Central West receive precisely the same wages now for their work which they received last summer; not one cent more. The contract under which they are working was in existence then and will continue to be in force until late in the springtime, when the songs of the birds and the hirp of the cricket will have announced the return of days which will put an end to the coal famine for the time being at least.

Give the miners access to the locked up storehouse of nature and the danger of coal famines in the future in this country will be entirely eliminated. I desire to say for the miners that they have done their utmost and have strained every nerve to relieve the coal famine in this country. It is to their interest to do so. The bread-and-butter question for them is involved in the portentious controversy. Only the other day the following letter to the miners was issued from the headquarters of the miners' organization. I beg leave to reproduce it here. It speaks for itself in an eloquence which I would not dare to undertake to imitate:

PHILADELPHIA, *January 12, 1903.*

To all Officers and Members of Local Unions of the United Mine Workers of America in the Anthracite Region:

GENTLEMEN: You are no doubt aware that a serious coal famine exists in all the Eastern and seaboard cities, due to the shortage of the anthracite coal supply. The situation has reached an acute stage, and has resulted in great suffering and hardship to the poor of the cities, whose earnings are insufficient to enable them to pay the excess prices now being charged for fuel, and it is subjecting the general public to great inconvenience.

To relieve the situation and alleviate as far as possible the suffering now being endured is the duty of every one connected with the production of coal. With this end in view we are prompted to address this communication to all members of our union, and request that they cooperate with the management of the mines in an effort to increase the production of coal. The gravity of the situation is such as to require that every mine worker shall exert himself and use every means at his command to this end.

Upon reading this communication in the columns of the daily papers, local unions should hold meetings and devise means whereby the daily output of the mines may be increased. These efforts should be continued until the weather moderates and the great necessity for fuel shall have passed.

JOHN MITCHELL,
President United Mine Workers of America.

T. D. NICHOLLS,
THOMAS DUFFY,
JOHN FAHY,
Presidents Anthracite Districts.

If the laws were enforced with rigor against vast combinations of capital which, in their greed, conspire to make bread and fuel dear to the people by artificial and illegal means, there would be no coal famine in Chicago and other Western cities. In the mines from which they draw the bulk of their supply there was no enforced cessation of work in a period covering a number of years.

President Mitchell, of the United Brotherhood of Mine Workers of America, is frequently spoken of in disrespectful and sneering terms in this section of the country because, as a resident of Illinois, he has been an active factor in the controversy which has waged between labor and capital in Pennsylvania. For the fact that he is a resident of the great State of Illinois the able president of the United Mine Workers of America will make no apologies. He is proud of Illinois, as Illinois is and ever will be justly proud of him. His fame and the field of his usefulness have broken mere State bounds and crossed State limits. He is not the State president, but he is the national president of the great and powerful organization which he represents.

We love and admire John Mitchell in Illinois. Risen to eminence from the ranks of actual toil, he has proved himself a matchless leader of men. Throughout the troublous times in which he played the star part in the drama, he has uniformly borne himself with a dignity and a broad-mindedness and an intelligence and a spirit of toleration and profound human sympathy which has challenged the admiration of all mankind. His manly conduct stands out in striking contrast with that of his opponents in the great controversy, and their lick-spittles, his detractors and maligners. Always respectful of the rights of others, unceasingly counseling obedience to the law, standing for justice, for his toiling brethren, and for their wan-faced wives and their oppressed and abused children, he has shown himself a reliable and trustworthy leader, an admirable American, and every inch a man.

The Eastern operators complain because they are not permitted to deal with their employees individually or as local and isolated unions. They denounce the change as an unwarranted innovation. They bid its coming unwelcome. There's the rub. They themselves are strongly organized, and are consequently all powerful. But they deprecate the fact that the miners show a disposition and are taking steps to similarly band themselves together. They

want to continue the condition under which their employees are completely at their mercy. They want to be left severely alone in the unscrupulous and shameless exploitation of their labor. They prefer to deal with the scattered forces of labor rather than with a strong and virile central federation. In their selfishness and desire to grab and hold everything in sight they very naturally resent the formation of a strong national organization with which their operatives are affiliated, clothed with a power to formulate specific demands and to enforce the inviolability of contracts and solemn compacts entered into.

But the solidarity of labor is a fact which demands recognition. Labor has the same right to organize its forces along legal lines which capital has. A union card is a certificate of honor proudly borne by union men. The workingman has rightfully appointed himself his brother's keeper.

In so doing he has violated no law of God, no law of nature, nor any existing law of the land. On the contrary, he has obeyed the highest precept of the Christian religion and of the humantarian's creed. He has come to realize the vital fact that an injury to one is an injury to all. There is no use in the Baers and the Markels and the Pierpont Morgans to try to squirm out of that. It is a stern condition and not an idle theory that confronts them, and they might as well realize and gracefully accept that fact now as later on in the industrial development of the country.

If this arrogant monopoly centered here in the East would have conceded to their employees what was conceded to the miners in the middle western country five years ago there would have been no coal strike in Pennsylvania last summer. The strike commission appointed by the President shortly before the election would not be wrestling with the question of settling the differences between the Pennsylvania operatives and their operators this minute.

The anthracite coal fields in Pennsylvania are the richest coal fields in the world. The wealth of all the gold regions on the globe pales into pitiful insignificance as compared with the treasure deposited there. It is simply enormous and fabulous in extent, beyond human conception, beyond the reach of the most fertile and fantastic imagination. The men who have secured the title to those fields could well afford to pay the best wages. Greater prosperity should, in the natural order of things, prevail there than anywhere else on God's green footstool.

Involuntary poverty would be impossible there were justice done. It would be a happy byword, devoid of actuality in fact. Those fields should be a paradise for everyone who has settled there and picked out that locality for the building of a home. And yet it is not. The anomaly is due to the fact that selfishness and cupidity, heartless and rapacious greed, have taken the place of justice and fair dealing in this providentially favored section of our country. Millions and billions, which are not earned but which accrue because of the possession of unjust and unfair privilege, are piled up on the one hand, while poverty reigns supreme on the other and the dreadful image of want and misery stalks grim through the forlorn sweeps of the lonely valleys.

The impotency of Congress to rescue those people from their distress and bring them succor and relief from their suffering is admitted candidly on this floor. The humiliating confession is made with a nonchalance which would be admirable were it in evidence in a different place and under less provoking circumstances. The State legislature of Pennsylvania stands palsied by. It also refuses to act. That legislative body also confesses its helplessness and hopeless incompetency in the face of the conditions. It seems to be on a strike, though it convened for the alleged purpose of doing work some days ago. It has no remedies to suggest. It offers no hope for relief. It seems to lack the courage as well as the ability to grapple with the perplexing problem. The Government abdicating and confessing its inability to cope with the situation, the only thing that is left for the toilers to do is to resort to the expedient of self-help; in other words, to organize in the hope of securing a betterment of their conditions.

The great labor problem in the last analysis is after all a problem of high wages; nothing more than that and nothing less. High wages means prosperity for the toilers. Prosperity for the toilers means ability to buy in the markets of the country. That in turn means good prices for his produce to the farmer, prosperity for the business man, prosperity for the professional man, general prosperity for the community. That is what we want and that is what we are all striving for. It means better equipped schools, better equipped churches, better stocked libraries, more leisure, a greater degree of happiness, and a higher order of culture for the country and for the race.

In Illinois the miners' union has done that for the miners which the legislature and Congress confessed and proved themselves unable to do. It raised them from the slough of despair. It elevated them from their misery and degradation. It raised the wages of the miner from 17 cents to 49 cents a ton, from an average of less than a dollar to an average of considerably more than $3 a day. It gave him vastly improved conditions of employment. It filled him with hope and confidence in the future in the relentless and bitter struggle for existence. It took children out of the mines and transferred them to the schoolroom. It shortened the hours of toil. It restored happy homes where starvation and misery had held their undisputed sway. Can you blame the Pennsylvania miners for looking in Illinois for a competent leader? I, for one, unhesitatingly say that I can not.

More than the repeal of this duty, for the imposition of which there never was a shadow of an excuse, will be required from this Congress before this controversy, the irrepressible conflict, has reached its final conclusion. In Illinois a coal trust is also forming. Its completion will aggravate the situation and will render more difficult the solution of the problem. Railroad corporations are buying up the undeveloped coal fields with a rapidity that is amazing to the observing mind. In these coal fields is treasured the fuel supply of the future. In their monopolization lies an imminent peril. The combination is in active process of forming there which will become a part of the notorious Eastern conspiracy. It will be gobbled up by the Eastern conspiracy as soon as the time is ripe and the occasion opportune. It will afford a juicy chance for more stockjobbing. No trust will stop in its encroachments on the rights of the people until it is forced to. Nothing can put a stop to it except legislation and the enforcement of the law by Congress, the President, and his Attorney-General, aided by the State authorities. Legislation and the enforcement of the law will ultimately put a stop to the trust evil in this country. It will clip its wings before it proceeds much farther in its hazardous ventures. The limit of human endurance will be reached. It has been reached already.

The present coal famine is a national calamity of stupendous proportions. I deeply deplore the fact that it afflicts the country. And yet these trials seem to be necessary incidents in the progress of the world. The coal famine will arouse the people, and it will serve to warn them of the dangers which menace their future. It is only a forerunner. It is only a danger signal. Worse will follow if it goes unheeded. The people must elect men to their legislative assemblies who will fearlessly make adequate laws to meet the conditions of the times, and they must elect men to executive offices who will fearlessly enforce them after they are placed upon the books.

You say you have exhausted your power. I deny the assertion. I charge that you have not begun to exercise the power which is delegated to you and which you are commissioned by the people to employ. It is your solemn and sworn duty to set the machinery of the law in motion with a determination to break up illegal combinations of wealth without trembling in awe or exercising favoritism. It is your solemn and sworn duty to strengthen, to fortify, to vitalize, and to virilize existing statutes if they are found to be inadequate and impotent. It is your solemn and sworn duty to break this crisis and to relieve the fatal situation which confronts the people. Government is only an impotent and helpless thing when those charged with administration of it are incompetent or shrink in abject cowardice or from some other motive to perform the duty with which they are clothed. You are here to act. Action is demanded of you, not faltering and indolence and inactivity. Nothing but telling and vigorous action will satisfy the people. Now is the time to strike. Then, in God's name, strike. Carry out the promises which you made to the people and which you led them to believe were made in sacred good faith.

There is room for all God's children
On His beautiful broad earth.
There is work and food and fuel
For each being come to birth.
On each mortal son and daughter
He bestowed air, land, and water—
Love's bequest to human worth.

Greed has grasped for private uses
What was bounty for us all;
Greed has built a towering fortress
And sits guarded by its wall.
But the protest of opinion
Surges hard on his dominion,
And his fortress yet shall fall.

I can hear the tide increasing
In its volume and its force.
I foresee the wreck and ruin
It must cause upon its course.
For no hand can stop the motion
Of the tides of God's great ocean
When progression is their source.

But beyond the strife and chaos
That must follow for a span
I behold the peace and plenty
Of the great primeval plan—
I behold the full fruition
Of the dreamed of new condition
In the brotherhood of man.

The Trusts.

SPEECH

OF

HON. HENRY W. PALMER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part—

Mr. PALMER said:

Mr. CHAIRMAN: Complaint is made that certain combinations of capital in the form of corporations chartered by different States and extensively engaged in transacting the manufacturing business of the country are exceeding their privileges by seeking a monopoly of markets, and that the means used to effect this result is restraint of trade by various means, and destruction of competition by destroying competitors.

It may be admitted that there is ground for the complaint. The heavy hand of the so-called trusts has been laid upon individuals in all parts of the country, and the wail of the injured has arisen from every point of the compass.

Remedies many are proposed, more or less effectual. They are generally repressive measures calculated to restrain the alleged evils growing out of this great and unusual industrial development.

Anyone capable of comprehending the legal and economic relations of the subject can not fail to be impressed with the manifold difficulties that beset the path of the lawmakers at every step.

The dual nature of the Government; the fact that the corporations called trusts are the lawful creations of sovereign States and are mainly engaged in lawful business; that the power of Congress is inexorably limited by the grants of the Constitution, which as construed and defined by the Supreme Court forbids interference with manufacturing within a State; that a large part of the business of the country is now carried on by the so-called trusts, and that their destruction or serious disturbance would involve loss of employment to millions of workmen, destruction of billions of value held by honest investors, and general conditions of bankruptcy and ruin to the most prosperous people and nation on earth, are all properly and necessarily to be considered by wise and prudent men who wish to do good and not evil.

One of the methods that is suggested by which the corporations may be brought under Federal control is to grant them Federal charters.

The first inquiry, naturally, is, has Congress the right, under the powers conferred by the Constitution to regulate commerce, to charter business corporations for the purpose of manufacturing and selling goods which enter interstate and foreign commerce?

Second. If the power exists to incorporate such companies, would its exercise be expedient and beneficial to the people?

Reference to what has been done by Congress may assist in determining what may be done.

Under the authority to regulate commerce, the act of 1890, commonly called the Sherman Act, was passed. This act is entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

By its terms every contract in restraint of trade or commerce among the States is declared illegal, and every person making such a contract guilty of a misdemeanor, punishable by fine or imprisonment. Every person who shall monopolize or attempt to monopolize any part of the trade or commerce among the States is also denounced as a criminal and subjected to punishment by fine or imprisonment.

The United States courts are invested with jurisdiction to enforce the act, and the district attorneys directed to institute proceedings under the direction of the Attorney-General to enforce the act. The broadest powers are given the courts to bring nonresidents within their jurisdiction from any part of the United States or the Territories, when necessary. Property owned under any such legal contract while in transportation from one State to another shall be seized, condemned, and forfeited to the United States. Any person injured by any such contract, trust, or corporation shall have the right to sue in any United States court when the defendant can be found within its jurisdiction, without respect to the amount in controversy, and may receive three times the actual damage. The word "person" in the act includes all corporations and associations existing with or without the authority of the laws of the States.

This act pays no respect to State lines or State laws. Corporate rights obtained under charters from sovereign States are not considered. The vast bulk of goods and property which enters into interstate commerce is swept within the grasp and control of the Federal law and made subject to the jurisdiction of the Federal court. Such property may be seized, condemned, and confiscated by the United States without respect to who owns, or where made, or to whom consigned. The rights of citizens of States, enjoyed since the the foundation of the States, to be tried in the courts of their domicile is taken away, and a citizen of South Carolina may be summoned before a United States court in Maine, and there, by due process of law, be deprived of his liberty and property. No edict of emperor or ukase of czar can be found more drastic or sweeping in severity of penalty or facility for enforcement. The full power of the legal machinery of the Government is placed at the disposal of an injured person. He may summon the chief law officer of the United States and his subordinates to prosecute his grievance and exact from the defendant a threefold damage.

This law has been adjudged to be within the power of Congress under the right to regulate commerce between the States. In no less than six cases the Supreme Court of the United States has maintained and enforced the law, viz, in the cases of United States *v.* Knight Company, 156 U. S., 1; United States *v.* Trans-Missouri Freight Association, 166 U. S., 290; United States *v.* Joint Traffic Association, 171 U. S., 505; United States *v.* Hopkins, 171 U. S., 578; Anderson *v.* United States, 171 U. S., 604; and Addyston Pipe and Steel Company *v.* United States, 175 U. S., 211. Attorney-General Knox summarized these cases as follows:

In the Knight Case there was involved an alleged monopoly in the production of sugar, commonly known as the "sugar trust;" in the Freight Association and Joint Traffic Association cases, agreements among interstate railways fix and maintain rates and fares; in the Hopkins and Anderson cases, two live-stock exchanges located in Kansas City, and in the Addyston Pipe and Steel Company case a combination among competing shops located in different States, and engaged in making cast-iron pipe for gas, water, and sewer purposes, to control prices by suppressing competition among themselves.

In the Knight case the court held that the creation of a monopoly in production does not necessarily and directly restrain commerce among the States. The court drew the line between production and interstate commerce, the former being subject to the regulation of the States, the latter alone to that of Congress.

In the Freight Association case the court held that the antitrust law applies to railroads and that it prohibits all agreements in restraint of interstate commerce, whether the restraint be reasonable or unreasonable.

This was followed by the Joint Traffic decision, the court holding in addition that the antitrust law is valid and constitutional and that Congress has the power to say that a contract shall not be lawful which restrains trade or commerce among the several States by stifling competition.

In the Hopkins case it was held that the business of the members of the Kansas City Live Stock Exchange was not interstate commerce within the meaning of the antitrust law, and therefore the agreement creating that exchange did not operate to restrain trade or commerce among the several States.

In the Anderson case the court took the view that whether the members of the Traders' Live Stock Exchange of Kansas City were or were not engaged in interstate commerce, the agreement creating the exchange was not one in restraint of such trade.

In the Addyston Pipe Company case the court held that Congress may prohibit the performance of any contract between individuals or corporations where the natural and direct effect is to regulate or restrain interstate commerce, and that a combination among formerly competing shops which directly restrained not simply the manufacture but the sale of a commodity among the several States comes within the antitrust law.

The question whether Congress has plenary power over goods and property that enter into interstate commerce is therefore settled, and it is settled also that whoever engages in such commerce must do it subject to the rules and regulations provided by Federal laws.

The Congress of the United States has also exercised the power to grant Federal charters to carry on the business of banking in the States under which the sovereign power of the States to impose taxes has been limited; to construct railroads across the territory of States without their consent; to condemn land within the States in order to carry out the purposes of the powers vested in the Government by the Constitution, and to incorporate trades unions with authority to exist in any and all States, and to hold such land as may be necessary for their business.

In the execution of the power to regulate commerce, Congress has established ports of entry and delivery, divided the coast into collection districts, granted coasting licenses, excluded foreign-built vessels from the coasting trade, expended money in surveying, sounding, and charting navigable rivers, cleaning out and improving channels, established custom-houses, warehouses, scales, etc., erected light-houses, stationed light-ships, denied the power of the States to tax freight transported from State to State, or to discriminate against owners of goods brought into a State for sale, or to exact a license from persons dealing in foreign goods. Congress has taken private property in the exercise of the power to regulate commerce (148 U. S., 312), constructed railroads across States and Territories, exercised the right of eminent domain, and regulated fares and freights. (California *v.* Central Pacific, 127 U. S., 1.)

The power to regulate commerce, like all others vested in Congress, is complete in itself and has no limitation other than that prescribed by the Constitution (Gibbons *v.* Ogden, 9 Wheat., 1).

The power to regulate interstate and foreign commerce vested in Congress is the power to prescribe rules by which it shall be governed; that is, the conditions upon which it shall be conducted; to determine when it shall be free and when subject to duty and other exactions (114 U. S., 196).

The power of Congress extends to acts done on land which interfere with, obstruct, or prevent the due execution of the power to regulate commerce and navigation with foreign nations and among the States, and such acts may be punished by Congress (U. S., 2; 12 Pet., 72).

These things Congress has done. Has the limit of power been reached?

It may be of interest to inquire what commerce really is, as defined by the Supreme Court. Chief Justice Fuller, in United States *v.* Knight (156 U. S., 11), said:

The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraints.

No limitation has ever been fixed by the Supreme Court to the phrase "commerce among the States." Its narrowest definition at least embraces "the conduct of individuals" "in buying and selling or barter."

On argument in Gibbon *v.* Ogden (9 Wheaton) it was claimed that navigation was not included within the meaning of the term; and the court remarked, at page 190:

"The mind can scarcely conceive of a system for regulating commerce (between the States) which shall * * * be confined to prescribing rules for the conduct of individuals in the actual employment of buying and selling or of barter."

Other deliverances on the subject are as follows:

"Commerce is undoubtedly traffic. But it is also something more; it is intercourse." (Gibbon *v.* Ogden, 9 Wheat., 181.)

"Sale is the object of importation, and it is an essential element of commerce." (Brown *v.* Maryland, 12 Wheat., 419.)

"Commerce is intercourse; one of its most ordinary ingredients is traffic," (Brown *v.* Maryland, 12 Wheat., 446.)

"Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all of its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of our country and the citizens of other countries, and between the citizens of different States." (Welton *v.* State of Missouri, 1 Otto, 275.)

"Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities." (County of Mobile *v.* Kimball, 102 U. S., 702.)

"The negotiation of sales of goods which are in another State, for the purpose of introducing them into the State in which the negotiation is made, is interstate commerce." (Robbins *v.* Shelby Taxing District, 120 U. S., 497.) (1886.)

"While the completely internal commerce of a State is reserved to the State itself, because never surrendered to the General Government, commerce, the regulation of which is committed by the Constitution to Congress, comprehends traffic, navigation, and every species of commercial intercourse or trade between the United States, among the several States and the Indian tribes." (Interstate Commerce Commission *v.* Brimson, 154 U. S., 447.) (1894.)

"Definitions as to what constitutes interstate commerce are not easily given, so that they shall clearly define the full meaning of the term. We know from the cases decided in this court that it is a term of very large significance. It comprehends, as it is said, intercourse for the purpose of trade in any and all its forms, including transportation, sale, purchase, and the exchange of commodities between the citizens of different States." (Justice Peckham in Hopkins *v.* United States, October 24, 1898, 171 U. S., 597.)

(See United States *v.* Addyston Pipe and Steel Company, 54 U. S., App. 723 et seq. Supreme Court decision December 4, 1899, 175 U. S., 211.)

Commerce, according to these definitions, in its narrowest definition embraces the "conduct of individuals in buying, selling, and barter." The power to regulate it is not extended to prescribing rules and regulations for the conduct of individuals in the actual employment of buying and selling or of barter; it is something more than traffic; it is intercourse for the purpose of trade in any and all its forms between citizens of different States and foreign countries. Over the subject of commerce and over the persons engaged in commerce the most plenary jurisdiction has been lawfully exercised by Congress.

Among the instrumentalities by which commerce is carried on, and without which it can not successfully be conducted, are corporations. May Congress create a necessary instrumentality by which and through which commerce may be conducted, viz, a corporation? The corporations now existing, except the Pacific railroads, engaged in the business of interstate commerce are creatures of the States. The right to exist depends on the State laws. Beyond the borders of the State of its paternity a corporation exists and does business only by permission of the sovereignty which it enters. By comity alone, not by right, the corporations of the several States transact business outside their State of creation.

Any State may exclude the corporations of another State or admit it only on terms that would be prohibitory. The exclusion of the Standard Oil Company from the State of Texas is a case in point. The right to amend or repeal charters is reserved by many, if not all, the States of the Union. Of course the repeal of the charters of all corporations engaged in interstate commerce is an unthinkable proposition, but the right to do it exists. Suppose the States of the Union saw fit to exercise this right. Commerce would languish and die. To meet this intolerable condition, should it arise, has Congress the power to grant charters to business corporations to engage in interstate commerce, authorizing them to transact business in all the States and Territories of the United States? Having power to regulate, may Congress not provide an instrumentality necessary to the existence of the thing to be regulated? It is no answer to say, "There is no danger; the States never will perpetrate such an act of ineffable folly." The question is not whether the necessity will ever arise, but whether, if it should arise, the power exists in Congress to rescue from destruction the commerce between the States, which it has the undeniable power to regulate.

We may therefore conclude that Congress, having the power to regulate commerce, has all necessary power to effectuate the purpose for which the right was conferred. The right to regulate commerce was surrendered by the States to the Federal Government for the purpose of preserving it free and unhampered by State restrictions. Perhaps no subject received more anxious consideration in the convention that framed the Constitution. One of the chief reasons for calling the convention was to vest the power somewhere, free commerce from the intolerable restrictions of the States, and secure the right to make commercial treaties with other countries. The following extracts from the debates in the convention are interesting and instructive. (Doc. Hist. Const., vol. 3, p. 636, commencing with Mr. Pinckney, ending with Mr. Wilson, p. 639.)

Mr. Pinckney moved to postpone the report in favor of the following proposition: "That no act of the legislature for the purpose of regulating the commerce of the United States with foreign powers, or among the several States, shall be passed without the assent of two-thirds of the members of each House." He remarked that there were five distinct commercial interests: 1, the fisheries and West Indian trade, which belonged to the New England States; 2, the interest of New York lay in a free trade; 3, wheat and flour, the staples of the two Middle States (New Jersey and Pennsylvania); 4, tobacco, the staple of Maryland and Virginia, and partly of North Carolina; 5, rice and indigo, the staples of South Carolina and Georgia. These different interests would be a source of oppressive regulations if no check to a bare majority should be provided. States pursue their interests with less scruple than individuals. The power of regulating commerce was a pure concession on the part of the Southern States. They did not need the protection of the Northern States at present.

Mr. Martin seconded the motion.

General Pinkney said it was the true interest of the Southern States to have no regulation of commerce; but considering the loss brought on the commerce of the Eastern States by the Revolution, their liberal conduct toward the views (he meant the permission to import slaves; an understanding on the two subjects of navigation and slavery had taken place between those parts of the Union, which explains the vote on the motion depending, as well as the language of General Pinkney and others) of South Carolina, and the interest the weak Southern States had in being united with the strong Eastern States, he thought it proper that no fetters should be imposed on the power of making commercial regulations; and that his constituents though prejudiced against the Eastern States, would be reconciled to this liberality. He had himself, he said, prejudices against the Eastern States before he came here, but would acknowledge that he had found them as liberal and candid as any men whatever.

Mr. CLYMER. The diversity of commercial interests of necessity creates difficulties which ought not to be increased by unnecessary restrictions. The Northern and Middle States will be ruined if not enabled to defend themselves against foreign regulations.

Mr. Sherman, alluding to Mr. Pinkney's enumeration of particular interests, as requiring a security against the abuse of the power, observed that the diversity was of itself a security, adding that to require more than a majority to decide a question was always embarrassing, as had been experienced in cases requiring the votes of nine States in Congress.

Mr. Pinkney replied that his enumeration meant the five minute interests. It still left the two great divisions of Northern and Southern interests.

Mr. Gouverneur Morris opposed the motion as highly injurious. Preferences to American ships will multiply them till they can carry the Southern produce cheaper than it is now carried. A navy was essential to security, particularly of the Southern States, and can only be had by a navigation act encouraging American bottoms and seamen. In those points of view alone, it is the interest of the Southern States that navigation acts should be facilitated. Shipping, he said, was the worst and most precarious kind of property, and stood in need of public patronage.

Mr. Williamson was in favor of making two-thirds instead of a majority requisite, as more satisfactory to the Southern people. No useful measure, he believed, had been lost in Congress for want of 9 votes. As to the weakness of the Southern States, he was not alarmed on that account. The sickliness of their climate for invaders would prevent their being made an object. He acknowledged that he did not think the motion requiring two-thirds necessary in itself, because if a majority of Northern States should push their regulations too far the Southern States would build ships for themselves; but he knew the Southern people were apprehensive on this subject and would be pleased with the precaution.

Mr. Spaight was against the motion. The Southern States could at any time save themselves from oppression by building ships for their own use.

Mr. Butler differed from those who considered the rejection of the motion as no concession on the part of the Southern States. He considered the interests of these and of the Eastern States to be as different as the interests of Russia and Turkey. Being, notwithstanding, desirous of conciliating the affections of the Eastern States, he should vote against requiring two-thirds instead of a majority.

Colonel MASON. If the Government is to be lasting, it must be founded in the confidence and affections of the people, and must be so constructed as to obtain these. The majority will be governed by their interests. The Southern States are the minority in both Houses. It is to be expected that they will deliver themselves bound hand and foot to the Eastern States and enable them to exclaim, in the words of Cromwell on a certain occasion: "The Lord hath delivered them into our hands!"

Mr. Wilson took notice of the several objections, and remarked that if every peculiar interest was to be secured, unanimity ought to be required. The majority, he said, would be no more governed by interest than the minority. It was surely better to let the latter be bound hand and foot than the

former. Great inconveniences had, he contended, been experienced in Congress from the article of confederation requiring 9 votes in certain cases.

In Curtis's History of the United States, page 502, he says: "The great benefit, however, to be derived from a national regulation of commerce, a benefit in which all the States would equally share, whatever might be their production, was undeniably the removal of the existing and injurious restrictions which the States had hitherto practiced against each other."

In October, 1785, Washington wrote to James Warner, of Massachusetts, saying:

We have abundant reason to be convinced that the spirit of trade which pervades these States is not to be suppressed. It behooves us, then, to establish just principles, and this can not any more than other matters of national concern be done by thirteen heads, differently conducted and organized. The necessity therefore of a controlling power is obvious, and why it should be withheld is beyond my comprehension.

The want of power to regulate commerce and make treaties with foreign countries was a chief source of trouble in the Confederation. It was the chief cause of calling the convention that framed the Constitution. It was one of the profound subjects for debate, and one of the great factors in the action of the States in adopting the Constitution. In consideration of the concession of power to Congress to regulate commerce, the Southern States inserted the condition that exports should not be taxed, that the slave trade should not be prohibited until 1808, and that two-thirds of all the slaves should be counted as the basis of representation.

No State has the right to exclude from its borders the trade of interstate commerce, although it may exclude a foreign corporation from entering. The original package may go everywhere, despite State laws. The agent negotiating the sale of goods, the subject of interstate commerce, can not be excluded from a State by the imposition of license fees imposed under the taxing power.

Both agents and goods must be admitted. So much has already been decided. Then why may not Congress authorize an agency in the form of a business corporation organized under Federal law to do business in any State or Territory, if deemed necessary or useful to effectuate the purpose in view when the power to regulate commerce was conferred? Of the necessity Congress must be the sole judge. If the power exists, the time and circumstances of its exercise must rest in Congress. Legislative discretion is not removable by any court.

SECOND PROPOSITION.

If the power exists, would it be expedient and beneficial to the people to incorporate such companies?

Let the probable objections be considered:

First. Interference with the business of granting charters by the States.

Second. Federal control over such corporations would involve incidental control, and to some extent of the business of interstate corporations.

As to the first objection, the right of a State to grant charters of incorporation would not be affected. The financial injury that might result would be determined by the number of corporations that might seek Federal instead of State charters. The right to equally tax tangible property of such corporations doing business in a State would remain. Nothing would be lost but the right to tax the franchise. The extent of the financial injury that such an act would inflict is purely conjectural, and not worth considering. What the States lost in that respect the United States would gain, and the people of each State would be proportionally benefited.

As to the second objection:

No doubt there is a wide difference of opinion on the question of the expediency of any interference by the Government with the business of the country in any way, and no thoughtful person will contend that there is not good reason for such difference. Theoretically, the functions of government are fully performed when the people are protected in their rights of life, liberty, reputation, and the pursuit of happiness. Practically, as the conditions change and a nation emerges from a pastoral and bucolic state and engages extensively in manufacturing, transporting, and selling goods in the markets of the world, when nearly all the active business passes out of the hands of individuals and into the control of corporations upon the success of which a large proportion of the people are dependent for an opportunity to earn a living and upon which in a large measure the general prosperity and happiness depends, when the power and influence of such corporate bodies become great enough to exercise influence over the people's government in the great executive, legislative, and judicial departments, we may be at least brought to consider whether the rights of the individual to life, liberty, and the pursuit of happiness will not be best conserved by laying a regulating hand on the instrumentalities of trade, commerce, and manufacture, and by controlling any disposition on their part to usurp the functions of government, to monopolize the production and sale of the necessaries of life, or to unfairly use their power to hamper and destroy the competition of individuals.

Assuming that no sane persons desire the destruction of the business corporations of the United States, large or small, the question is whether under present conditions, in view of the fact that they are necessary to the prosperity of the people, they should not be brought under some authority that can keep them in subjection and within the sphere of their rights. The power of the States is confessedly and notoriously inadequate. The Federal Government alone is able to successfully undertake the task.

After all, this is a government of the people; the Congress is their Congress. That there is an almost universal demand for some kind of restraint upon the vast aggregations of capital that have lately sprung into existence is evidence that such restraint is needed. Some of the clamor is, no doubt, born of hatred of success and envy of prosperity; some comes from those who believe property a crime and its owners criminals; some comes from people who have very positive opinions, but who never think; but far more is based upon a reasonable apprehension that combinations in restraint of trade have been formed; that corporations intended to monopolize the production and sale of at least some of the necessaries of life do exist, and that well-organized and successful efforts have been made by them to ruin competitors and destroy competition.

If all these apprehensions are not well founded, if all the trusts are honestly pursuing lawful business in a lawful way, no act of Congress that is likely to be passed will disturb or make them afraid.

If corporations engaged in interstate commerce do not desire incorporation under Federal charters, they can not be compelled to take them out. If, on the other hand, such corporations, in order to escape the limitations, exactions, and annoyances imposed upon them by the States, are willing to submit themselves to the control of Congress, the opportunity would be given if a general Federal corporation act could be enacted. If corporations engaged in interstate commerce accepted Federal charters, the question of adequate and proper regulation and control would be vastly simplified.

The experience of the greatest manufacturing and commercial country in the world ought to be of value in seeking a solution of the question as to the method by which corporations may be safely created and the extent of the power that may be properly intrusted to them.

The English companies act, passed originally in 1882, and amended in 1886 and 1890, furnishes the method by which practically all corporations except banks may be incorporated. Under this law persons desiring to form a corporation may file a statement at the office of the registrar, setting forth minutely and in detail the kind, value, and location of their property, the amount of capital stock, the number of shares into which it is divided, the names of the directors and shareholders and the nature of the business meant to be carried on, and the kind of liability assumed by the directors and shareholders.

Several kinds of business may be conducted by the same company; there is no limit on the number or kinds. The amount of capital or number of shares is unrestricted. Once formed, the corporation may do business anywhere in the British Empire. New Jersey is not more liberal than Great Britain in granting charters of incorporation. The vast experience of this great manufacturing nation has eventually wrought the conclusion that the instrumentalities of business should be freely granted and be as little hampered by vexatious conditions as possible. Always retaining the right to knowledge of the property and purposes of corporations, and reserving such supervision as will enable creditors to wind up and fairly distribute the assets of bankrupt concerns, the English law allows the largest liberty to carry on any kind of business at any place in the Kingdom or Empire.

A Federal charter should allow a corporation to transact business in any State or Territory of the United States, subject only to such regulations as Congress might prescribe and to such taxation as the States impose on similar business agencies chartered by themselves, and no more. It may be assumed that Federal control over business corporations engaged in interstate commerce would be reasonable. The debate on the pending anti-trust regulations has not developed a disposition on the part of the most ferocious enemies of trusts to do anything hurtful to legitimate and honest business enterprises. It is the dishonest and illegitimate enterprises brought into being for the purpose of swindling the public by imposing upon it worthless stock and bonds, as well as those other combinations conceived for the purpose of monopolizing some line of business, stifling competition, and restricting trade, against which indignation has been properly hurled. Perhaps the selection of concerns to be vituperated has not always been judicious, but abstractly no one can or cares to

defend the class of corporations named. The people are entitled to an honest and legitimate use of the special privileges conferred upon capital by the grant of corporate functions. They ought not to be turned into engines of oppression to competitors or of robbery of consumers.

Honest business, honestly pursued, need fear nothing from this or any succeeding Congress.

Eulogy on the Life and Character of the late Hon. Joshua S. Salmon.

REMARKS
OF
HON. GEORGE G. GILBERT,
OF KENTUCKY,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, Feburary 8, 1903.

On the following resolutions:

"*Resolved*, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOSHUA S. SALMON, late a member of the House of Representatives from the State of New Jersey.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. GILBERT said:

Mr. SPEAKER: Allow me briefly to contribute my mite of testimony in praise of the virtues and character of our departed friend.

When I first came to Congress I formed many new and valuable friendships, but none I appreciated more highly than that of Mr. SALMON. Indeed I may say truly that he was my most intimate friend in the House. Our seats were side by side and we were frequently together. During the last session of Congress I made some remarks in eulogy of the life and character of the late Hon. J. William Stokes, of South Carolina. When I sat down Mr. SALMON turned to me with a smile and said: "Well, now, that was well said. I do not expect to die soon, but if I should, would you say as nice things about me as you have just said about Mr. Stokes?" I answered that I hoped that I should never have such an occasion, and we turned the conversation to other matters. That occurred on the 26th of April, 1902, and to think that within ten days of that conversation Mr. SALMON was dead! Surely life is as uncertain as death is appalling. We have so many illustrations of the truth of that Holy Writ, which declares:

> Two women shall be grinding together; the one shall be taken, and the other left.
> Two men shall be in the field; the one shall be taken, and the other left.

How often can we in the retrospect of life recall instances when two of us have been alone together and the other and better one has been taken and we have been left. I know nothing of Mr. SALMON'S antecedents, but they must have been excellent, because in my short acquaintance with him I never knew a man of finer impulses, of broader sympathies, or of kindlier heart. Such a man and such a life are a great blessing to the world. The reflection of his smiles and the strength of his virtues furnish a stimulus to his survivors.

There are two consoling thoughts which are of special significance in the material universe around and about us. One is the evident fact that there is but one Architect in creation—planets, stars, and constellations have but one Builder. The other fact is that no substance can be destroyed and lost. Changes in form and combination of elements may occur, but everything is sacredly preserved. May we not, therefore, by analogy, conclude that spiritual things, which are higher than those which are material, are also preserved? I believe that nothing in the universe of God is lost. Our intellectual achievements, our mental attainments, our smiles and tears, our happiness and sorrows, our affections and hatreds are all preserved, and will be used in ascertaining our proper places when the balance sheet is made out for our starting point on the other shore. I believe that every ray of light, every emotion, and every good thing is preserved and used. In the sweet by and by we will see again the crucifixion, the landing of the Pilgrims, and whatever else has occurred in the material universe.

I believe that no flower was ever born to blush unseen, and that no flower ever wasted its sweetness upon the desert air. On the contrary, its beauty and its sweetness are preserved to ornament and perfume that house of many mansions. They are preserved along with smiles of affection and deeds of kindness which have not been seen or appreciated in this world. But Mr. SALMON occupied an exalted social position, and his career of usefulness was unusually prominent, and if every pure thought, every good deed, and every kindly smile is preserved and has its reward, our friend, Mr. SALMON, will have nothing to fear. He was a true man of the highest type. Loyal and true as statesman, as lawyer, as citizen, as husband, as father, and as friend. He stood as a splendid example of the world's highest and best.

> Lives of great men all remind us
> We can make our lives sublime,
> And, departing, leave behind us
> Footprints on the sands of time!
>
> Footprints that perhaps another,
> Sailing o'er life's solemn main,
> A forlorn and shipwreck'd brother,
> Seeing, shall take heart again.
>
> Let us, then, be up and doing,
> With a heart for any fate;
> Still achieving, still pursuing,
> Learn to labor and to wait.

The Trusts.

SPEECH
OF
HON. WILLIAM T. ZENOR,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 5, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. ZENOR of Indiana said:

Mr. CHAIRMAN: The bill now before the House is a substitute by way of amendment for H. R. 17. The original bill seems to have been too drastic and far-reaching to suit the pleasure of the distinguished gentlemen who are to be affected by its provisions, and this substitute was reported by the majority of the committee to modify and so qualify the provisions of that bill as to utterly destroy all of its virtues and preserve all of its vices. It seems perfectly apparent from a comparison of the provisions of this measure as it was originally introduced with those of the substitute bill reported that a radical and revolutionary change has been wrought in the mind of the distinguished gentleman from Maine in charge of same on the floor on behalf of the majority [Mr. LITTLEFIELD].

The original bill, introduced by him December 2, 1901, provided that all of its terms and restrictions should apply to all corporations engaged in interstate commerce. Its provisions required that all corporations engaged in interstate commerce should file returns with the Secretary of the Treasury disclosing their true financial condition, their capital stock, and imposing a tax upon such as had outstanding capital stock unpaid in whole or in part, etc. The substitute bill reported excepts from its operations all corporations and trusts that are now in existence or have heretofore been organized, and is confined alone and exclusively to corporations and trusts hereafter to be organized. In other words, Mr. Chairman, the bill now presented to this House and to the country only proposes to deal with the prospective trusts and unlawful combinations hereafter to be organized.

It only proposes to exact of those trusts and monopolies hereafter to come into life and being for the purpose of engaging in interstate commerce a return as therein provided, setting out and showing the date of their organization, its name, when and where organized, giving statutes and all amendments thereto under which it is organized, the constituent companies of which it is composed, its capital stock and the shares into which it is divided, par value, whether common or preferred, and the distinction between each, etc. This is the requirement provided in the bill to secure what is denominated "publicity." It is indeed a most remarkable proposition that such a requirement should be confined to future and unborn trusts and monopolies and not to present and existing ones.

If any argument was needed to convince the unprejudiced mind or impartial judgment of the fact that this whole bill is a huge and howling farce, designed upon the one hand to placate and deceive a long-suffering and patient people, and upon the other to hold out to the monopolies and trusts the olive branch of peace, it may be found in the unjust and inexcusable discrimination in favor of the only monopolies of which complaint is made. Why is it, and what reasons can be given for not including the existing

trusts and monopolies within the provisions of this proposed measure of legislation?

Why say that you propose to shackle the greed and avarice of men who may hereafter conclude, if they do conclude, to organize a trust for the purposes of interstate commerce? Why direct this legislation to the future and against corporations that have no existence, and may never have any, rather than against those whose gigantic growth and power have enabled them to fill the land with the wreck and ruin of their helpless victims? It is not against trusts yet to be formed; it is not against corporations yet to be chartered; it is not against monopolies hereafter to be created that complaint is made. It is the evils of the present; it is the oppressions now experienced, the industrial and commercial supremacy of these unlawful institutions and their unhallowed greed for profits and power and further conquest that complaint is made, and from which the country is demanding relief.

In answer to this request, in response to this crying demand, the majority of the Judiciary Committee of this House, having had under consideration for weeks and months some measure of legislation to afford the people some tardy relief, have at last presented to the country as the best measure that their wisdom and statesmanship can devise this bill—a bill that does not relate to a single corporation, trust, or monopoly now in operation; a bill that does not touch a single combine throughout the entire country—a bill that nowhere mentions the word "trust;" a bill that with studied and consummate skill has been so worded and constructed that it does not even remotely threaten harm to or interference with these friends and allies of the Republican party in their onward march of usurpation—a bill that may well be regarded, as no doubt it is by these economic and industrial vampires, as an express license to pursue their work of spoliation, robbery, and theft; a bill that, through fear of its authors, might possibly be construed by the courts, if any of its provisions were left obscure, against the trusts or their interests is made to contain the express declaration that it shall not affect in any manner whatever the already organized and combined wealth of the nation behind these monstrous public enemies. No one is hostile to legitimate corporations. They are essential and necessary.

This is the kind of bill we are called upon to pass as the only remedy proposed by the Republican party to cure the well-known and confessed evils of the trusts. That it will fall far short of the just expectations of all earnest and sincere friends of effective legislation in this behalf can not be doubted. That it fails to go to the full extent of the constitutional powers of Congress, and demanded by the exigencies of the situation can not well be disputed. The whole bill is predicated upon the one clause of the Constitution—the interstate-commerce clause. It completely ignores the power of taxation. It refuses to invoke by any express provision the power vested in Congress to deny to such interdicted trusts or monopolies the use of the facilities of the mails, telegraph, and telephones. It fails to provide for any adequate penalty for default in making such returns as required by the provisions of the act. It fails to define sufficiently what shall constitute an offense under sections 5, 6, and 7, for which it provides a penalty.

It fails to give jurisdiction to the State courts over such corporations as are embraced in its provisions where such corporation does or carries on business, the same as if created in such State, as other citizens thereof are subject to such jurisdiction. It fails to place on the free list all articles manufactured or produced by a trust, and in many other respects is lame and defective. To cure these or many of these defects, and to make the bill more effective and perfect, notice has been given by the Democratic minority that at the proper time, when the bill shall come to be considered under the five-minute rule, they will offer amendments supplying these defects and, in addition, will offer as new sections the following:

Amendment No. 6: Amend by adding the following:

"SEC. —. That in addition to the grounds of bankruptcy now existing by law, a corporation shall have committed an act of bankruptcy, and shall accordingly be subject to proceedings to adjudge it an involuntary bankrupt and wind up its affairs and distribute its assets, first, whenever it shall have issued stock in excess of the fair, reasonable value of its property; or, second, whenever it shall have given or offered to any person, association, or corporation any privilege, preference, advantage, facilities, discount, or rebate denied to or withheld from any other person, association, or corporation; or, third, whenever directly or indirectly it shall have engaged in any conspiracy or entered into any combination, agreement, or understanding to monopolize or aid in monopolizing any product of general utility, or so much thereof as to affect injuriously the general welfare, or to stifle lawful competition, or to control or affect injuriously the price of or the market for any commodity in general use or demand; or, fourth, whenever it shall have effected or attempted to effect any consolidation, combination, cooperation, undertaking, or agreement with any other corporation, association, or person, contrary to any law of the United States or of any State in which it shall do or offer to do any business."

Amendment No. 8: Amend by adding the following:

"SEC. —. That any property owned or manufactured under any contract or by any trust or combination or pursuant to any conspiracy forbidden by the laws of a State, and being in the course of transportation from such State to another State, the District of Columbia, a Territory, or a foreign country, or to such State from another State, the District of Columbia, a Territory, or a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as are provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and every person who shall, knowing that any property to be owned or manufactured in any of the ways above described, transport it, or cause or order, or contract for its transportation as above described, shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding $20,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall be held to interfere with any proceedings in a State court for the violations of any law thereof."

Amendment No. 9: Amend the substitute by adding the following:

"SEC. —. That hereafter the following articles may be imported into the United States free of all duty:

"1. Steel rails, structural steel, tin plate, iron pipe, and other metal tubular goods; wire nails, cut nails, horseshoe nails, barb wire, and all other wire; cotton ties, plows, and all other agricultural tools and implements.

"2. Borax, borate of lime, and boracic acid.

"3. Binding twine.

"4. Paris green.

"5. Paper, and pulp for the manufacture of paper.

"6. Salt.

"7. Plate glass and window glass."

Amendment No. 10: Amend the substitute by adding the following:

"SEC. —. The President is hereby authorized, and it shall be his duty, whenever it shall be shown to his satisfaction that by reason, wholly or materially, of the existence of the tariff or customs duty upon any article, such article, or articles of its class and kind, are monopolized or controlled by any person, organization, or combination to the detriment of the public, by proclamation to remove or suspend such duty, in whole or in part, until the next assembling of Congress, or until the abuse prompting him to such action shall have ceased."

Amendment No. 11: Amend by adding the following:

"SEC. —. There is hereby levied and shall be assessed and collected annually the following taxes on all corporations, whether domestic or foreign, doing business in the United States for profit or gain, and having a capital stock of $200,000 or more, at the rate of 10 per cent on its capital stock. The amount of the capital stock of any taxable corporation for the purposes of taxation shall be estimated according to its par value fixed by the charter, or by resolution of its board of stockholders or directors, and shall include all assets owned by such corporation which are reserved or funded or set aside for the benefit of its stockholders.

"SEC. —. Those corporations are exempt from taxation under this act whose income (or profits), after the payment of necessary expenses of operation and administration thereof, is devoted exclusively to purposes of charity or religion or benevolence, or to hospital, medical, surgical, or hygienic purposes; or to education, or the promotion of the useful arts; or to scientific purposes; or to literary or musical purposes; or to public entertainment."

Amendment No. 12: Amend by inserting the following just after section 6:

"SEC. 7. That no person engaged in the production, manufacture, or sale of any article of commerce, or violating any of the provisions of section 5 of this act, or attempting to monopolize or control the production, manufacture, or sale thereof by driving out competition in any particular locality by discrimination in prices or by giving special privileges or rebates or otherwise in order to destroy competition therein in such locality, shall use, either directly or indirectly, any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce for the purpose of aiding or facilitating, either directly or indirectly, such production, manufacture, or sale with such intent; nor shall any other person or corporation use any of the facilities or instrumentalities of interstate commerce or in any way engage in interstate commerce in buying, selling, or disposing of any such article of commerce for the purpose of enabling such first-mentioned corporation to engage or to continue to engage in such production, manufacture, or sale or control with such intent. Every person violating any of the provisions of this section shall be punished, on conviction, by a fine of not less than $500 and not exceeding $5,000."

Amendment No. 13: Amend by adding a new section, as follows:

"SEC. —. The words 'interstate commerce' wherever they occur in this act shall be held to embrace commerce from any State or Territory of the United States or the District of Columbia to any other State or Territory or the District of Columbia."

"SEC. —. If any corporation liable to taxation under this act shall establish to the satisfaction of the Commissioner of Internal Revenue, by competent proof, under oath, that it is not engaged or about to be engaged in any way with any other corporation or person in any of the acts or combinations, conspiracies, agreements, or in any act or conduct that is prohibited in the act entitled 'An act to protect trade against unlawful restraints and monopolies,' approved July 2, 1890, or in the act entitled 'An act to provide revenue for the Government and to encourage the industries of the United States,' approved July 24, 1897, or an act entitled 'An act to regulate commerce,' approved February 4, 1887, or this act, or any amendment of any of said acts, the said taxes of said corporation shall be remitted, except 1 per cent thereof, which shall be collected and paid into the Treasury of the United States.

"SEC. —. The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is charged with and is empowered to direct and enforce the execution of this act, and the Secretary of the Treasury shall make such regulations as are needful for such purpose. All laws applicable to the collection of internal-revenue taxes by the United States, whether civil or criminal, shall apply to corporations that are taxable under this act and to their officers and directors, and to the enforcing of the provisions hereof."

These amendments will be presented at the proper time by the Democratic minority, in the earnest belief that they will, if adopted, materially improve the bill and make it much more effective, complete, and adequate to meet the situation. Opportunity will be given each member of this House to test the sincerity and good faith of those who have and are now professing a desire to suppress the trusts and rid the country of their vicious influence. We upon this side of the House are anxious to go to the full extent of our constitutional right, and no further, to accomplish this purpose, and we trust that that side will not be content to do less.

If these amendments are not adopted and thereby fail to become a part of this law, and the bill of the majority is passed, as I know it will be, without these amendments, and it fails of its purpose, as I fear it will, then the responsibility must rest where

it properly belongs. No partisan spirit has to any considerable extent entered into the debate upon this bill, and no partisan advantage should be sought in shaping this legislation. This is one of the occasions when a high sense of patriotic duty should dominate all other considerations; when the action of the American Congress should fearlessly assert its high prerogatives and prove itself worthy not only of the confidence of the people, but willing and capable of redeeming the repeated platform pledges of all political parties for the last decade.

As already suggested, the large part of the bill is devoted to "publicity." Publicity, indeed, is the most prominent and conspicuous feature of the whole proposition. The idea of "publicity" as a cure for the trust evil is not at all new. It is not original with the gentlemen composing the majority of the committee, who are responsible for this bill. It has been often suggested, and the President in his last two messages to this House repeated and pressed this phase of the question upon the attention of Congress, but it has never been considered, and the President himself does not wish to be understood as regarding publicity as a panacea—a cure for the evil. Publicity is well enough; it is very desirable, and, if the bill went far enough, might prove a most potent agency in furnishing information to the public that would be valuable, if for no other purpose, to enable further legislation to be formulated. All are agreed upon this question; Democrats and Republicans alike favor it. If, however, publicity is a good thing; if it will in any measure aid in the suppression of the evil, then why is it, we inquire of our Republican friends, that you are not willing to extend this law so as to include all corporations and trusts, and not confine it to those yet to be created? This is the question that needs to be answered. This is to me an obvious and patent defect in this bill, and one that should be cured by amendment. No sane and sensible excuse can be given for excepting all "trusts now in existence" from its operations, unless it be the excuse that it is not intended to molest or disturb the only trusts that are harmful to the country, for this is and will be the effect of it. Section 5 of the bill is perhaps the most important and valuable of all. This section is intended to restrain and suppress the criminal practice among common carriers of granting special rates, rebates, concessions, and facilities in respect to the transportation of property. It is intended to apply to all common carriers engaged in interstate or foreign commerce.

For a number of years an agitation has been going on throughout the country and many complaints made concerning the preferential rates and rebates granted by railroads and common carriers to certain rich and powerful shippers—trusts and corporations—to the great detriment of the great mass of shippers. This criminal conduct of the carriers and railroads engaged in such practice has resulted in virtually giving to the favored shippers a monopoly of the markets for the articles in which they deal and destroyed all competition. It has done more to build up and make supreme the Standard Oil Company, one of the most perfect and absolute monopolies of this or any other country, than all other agencies combined.

Its operation has been quite as disastrous in almost every branch of industrial activity where the favor has been invoked and granted. The Interstate Commerce Commission, organized in 1887 for the express purpose of dealing with this subject, has proven impotent to suppress the evil. It has been and is now claimed by that Commission that its powers are too restricted to enable it to remedy the trouble, and it has repeatedly in its reports called attention to this defect and asked that its powers be enlarged and made more comprehensive. Many bills have been introduced into this House from time to time by Democratic members, and I recall especially a very meritorious one by my distinguished friend from Texas, Mr. KLEBERG, calculated to cure many of the defects of this law and render it more effective, all of which have been consigned to their death in the committee room.

The bill now before the House may, however, if it shall become a law, supplement the interstate-commerce law and so strengthen and aid it that some good may be accomplished in the suppression of this vicious practice. The laws now upon the statute books relating to this subject have proven inefficient and inadequate, either because of a lack of strength, breadth, or comprehensiveness or want of inclination on the part of the Government officials to enforce them. Upon this question there are numerous and widely differing opinions. As for myself, with all due deference to those who may think otherwise, I am persuaded to believe that it has not been so much the fault of the law as the fault of the high officials of the Government, who have failed to discharge their duty.

The antitrust law of July 2, 1890, commonly known as the Sherman antitrust law, contains strong and drastic provisions against the trusts and denounces heavy pains and penalties against any combination in restraint of interstate trade and commerce. This law has substantially proven a dead letter and has been permitted to slumber all these years without in a single instance invoking its penal provisions in the prosecution of these violators. It is my opinion, and I believe the judgment of every intelligent and thoughtful person, that these lawbreakers and trust magnates have by far a more wholesome fear of the penitentiary, ball and chain, than of the fines and injunctions with which they have usually been threatened when molested at all. This law, which has been upon the statutes for over twelve years, is but little, if any, more than a redeclaration of the common law, and under either, if honestly enforced, trusts could not live or thrive.

The Attorney-General of the United States is especially charged with the duty and responsibility of initiating proceedings and prosecutions against offenders under the law as it now exists. This should not be the case. The law should make it the imperative duty of the courts having jurisdiction to call the attention of the grand juries of those courts to these violations of law and instruct them as to their duties in the premises; instruct them to make searching and rigid investigations of all charges of violations of the law and return bills of indictment against the criminal offenders. The law should go still further and make it the imperative duty of the Attorney-General, the prosecuting officer of the Government, to prosecute all cases thus returned and to initiate prosecutions in all cases where the facts within his knowledge are sufficient to induce the reasonable belief that the law has been violated. The people have long felt outraged at the manifest indifference of the chief officer of the Department of Justice, the Attorney-General of the United States, in the midst of the alarming growth of these trust combinations in the last three or four years.

They have, to a great extent, lost heart, and feel but little hope for the future as they survey the past. What influences have operated to stay the hand and hold in abeyance the prosecuting power of this Department of the Government may easily be surmised when we recall the fact that the present occupant of that high office, as well as his predecessor, were chosen from the ranks of those who had been in the service of the very men who constitute the head and front of these great "captains of industry," as some of our Republican friends are wont to characterize them. It could not in the very nature of things be expected to find such officials imbued with an over-zealous ambition to make undue haste to get into the courts against their former friends and benefactors. The President, in his speech against the trusts at Pittsburg, was particularly caustic in his arraignment of these industrial and commercial despots, and at the conclusion of the ceremonies shared with his friend Mr. Frick the hospitalities of his palatial home. This hospitality and courtesy is reciprocated when Mr. Frick visits the capital.

Mr. Knox, his Attorney-General, on the same occasion likewise indulged in unsparing criticisms of these trust monsters, and proceeds to outline a policy which he pretends to think would curb and check their sway. All the remedies suggested by these two high and distinguished officials have no reference to the removal of the causes producing the evils—contain no suggestions as to their views upon the conditions which have given rise to them. No word of encouragement to those who believe that one of the chief producing causes for this condition of things is the abnormally high tariff duties levied in the Dingley bill, and the removal of which is believed by many, both Republicans and Democrats, would afford at least a partial remedy.

The President, however, at this present session of Congress, in a message, called attention to the distress of the country and the demand for some immediate relief from the exorbitant prices charged by the coal trust. He suggested that prompt action be taken by Congress to remove the tariff duties from anthracite and bituminous coal, to the end that the people might get cheaper coal and fuel to keep them from freezing. A bill was at once reported by the Ways and Means Committee providing for the removal of this tariff and to place coal upon the free list for one year, and this bill passed this House by a unanimous vote. It went to the Senate and was there amended, as was proposed by the Democratic minority of the House, by placing anthracite coal permanently on the free list, and then passed the Senate and is now the law.

Here is an illustration of the inconsistency, if not absurdity, of the Republican position that tariff has nothing to do with the high price of the article upon which it rests, and that the removal of the tariff will afford no relief from the trust combines of the country. Since that law went into effect the price of coal has been reduced and the situation of distress much ameliorated. So it would be in reference to the trusts. But no, say our Republican friends, we must not touch this white elephant. It is sacred. It would destroy public confidence and ruin the business interest. This is the cry, and has always been, of the greed and avarice of the protected and fostered monopolies of this country. This is the cry to-day in reference to any effective legislation against this same interest.

Every monopolist of the country, every trust and combine,

oppose any measure of legislation tending to affect in any way the operations of their combines. They stand in mortal fear that Congress may be induced to give heed, even though it be ever so small, to the cry of distress of the great mass of the people for some relief against their oppressions. I predict that before this bill shall pass the Senate, if it ever does, it will encounter what will seem to be the determined and obstinate resistance of the trust influences.

As harmless and impotent as I think this measure is, compared with what it should be, it will not be seemingly welcomed by the trusts. They have been so accustomed to join our Republican friends in their campaign slogan, "Let well enough alone," that they have about concluded that no change in the economic conditions of this country, no change in the economic laws of the country, should be made except with their full advice and consent. But their opposition to this measure will really not be to defeat, but to secure its passage. They are conscious that some move must be made, and this may satisfy clamor and not hurt them. They have come to be a power in the country and are diplomatic in their political movements. Under the fostering care of protection and kindred class legislation the trusts and combines are creatures to be reckoned with.

Their power and influence are felt in every avenue of trade and business activity. The beneficiaries of protection and the trusts and combines are one and the same, their genesis the same, their interests, purposes, and objects common, and their political affiliations with the Republican party homogeneous. It is therefore neither strange nor surprising to find them united by a common sympathy and by all the cohesive force of mutual support and reciprocal trade. These combinations are rarely ever forgotten in the stress of political campaigns by the Republican party, and they can doubtless show an unbroken record of party fealty in the past to which they hope they may not now appeal in vain. When the Republican party has in the past felt the need of the sinews of war, they have not appealed to these interests in vain.

Funds have been marshaled and revenues without stint or limit collected from these willing and generous supporters of that party, and they now feel that the time will again return when they may hope for similar favors. Certainly these favors are not bestowed without reward or some hope or promise thereof. They, the trust contributors, naturally expect to secure some benefit from their patriotic service. They are not philanthropists while they yet remain in politics.

When they abandon politics, they will retire from business. This will take place when they have amassed such fortunes as Mr. Carnegie, John D. Rockefeller, and others. When they have been permitted to exploit the people and rob and filch from the consuming masses, in exorbitant prices, profits, and dividends under unjust laws and special favors to their full satisfaction, then and not till then will they cease to be politicians and become philanthropists and go about the country building libraries, endowing colleges, after the fashion of Mr. Carnegie and John D. Rockefeller. Wealth and fortune in these days of commercial greed, regardless of the methods of its accumulation, secures to its possessor first place in the social world and all the honors of a national benefactor. He at once becomes lionized and idolized as one of the heroes of the great "captains of industry." It matters not how much misery, suffering, and pain he may have brought to the humble homes of the land nor how many wrecks he may have left in the pathway of his ruthless march to fortune, fame, and power, he has reached the summit and a patronizing public pay obsequious court, and there is not a fashionable drawing room or high-toned club in the land in which he is not an honored guest. Surely, if a trust is a criminal organization and the law so denounces it, then the promoters of these combinations are criminals and should be so regarded and treated. If the Standard Oil Company is a monopoly, and it has been so pronounced by the courts of the land, then John D. Rockefeller is a criminal and should be dealt with as such and treated as such.

If the United States Steel Corporation, capitalized at the modest sum of $1,389,339,956, is a trust—and who will doubt this—then this trust corporation is a criminal conspiracy against the trade and commerce of the country, and Mr. Carnegie, Frick, Schwab, and other promoters of the criminal organization are criminals, and should be treated and dealt with as other criminals of the land. If the American Tobacco Company, capitalized at $250,000,000, is a criminal trust—and it most certainly is—then the promoters and operators of this trust are likewise criminals, and should be treated as other common criminals are, and punished under the law. If the recently formed trust, known as the Consolidated Tobacco Company, intended to control all other tobacco companies, and capitalized at the sum of $262,000,000, is a criminal organization—and the law says that it is—then its promoters, owners, and operators are criminals of more than ordinary moral turpitude, for with perhaps the exception of the Standard Oil Company, with a capital of $700,000,000, this Consolidated Tobacco Company is the most cold-blooded and calculating of any mentioned affecting the American people. It not only controls the production of manufactured tobacco and its prices, but has gone still further—as others will ultimately do—and established itself in control of the raw material produced by the farmers.

Mr. Chairman, I might continue this list indefinitely almost, if time would permit and the case required. Enough, however, has been said to indicate the trend in the organization of these trusts and their constant drift into the exclusive possession of the markets and absorption of the business of the country. I desire here to include as part of my remarks and as a matter of information a list of industrial combinations or trusts with a capitalization of $10,000,000 each and over which were formed during the period from January 1, 1899, to September 1, 1902:

Trusts.	Date.	Amount.
Allis-Chalmers Co	1901	$36,250,000
Amalgamated Copper Co	1899	155,000,000
American Agricultural Chemical Co	1899	33,000,000
American Beet Sugar Co	1899	20,000,000
American Bicycle Co	1899	36,436,400
American Brass Co	1900	10,000,000
American Can Co	1901	82,456,600
American Car and Foundry Co	1899	60,000,000
American Grass Twine Co	1899	13,083,000
American Cigar Co	1901	10,000,000
American Hide and Leather Co	1899	33,025,000
American Ice Co	1899	41,705,000
American Iron and Steel Manufacturing Co	1899	20,000,000
American Light and Traction Co	1901	12,127,800
American Locomotive Co	1901	50,412,500
American Machine and Ordnance Co	1902	10,000,000
American Packing Co	1902	20,000,000
American Plow Co	1901	75,000,000
American Railway Equipment Co	1899	22,000,000
American Sewer Pipe Co	1900	10,295,700
American Shipbuilding Co	1899	15,500,000
American Smelting and Refining Co	1899	100,000,000
American Snuff Co	1900	23,001,700
American Steel Foundries Co	1902	30,000,000
American Window Glass Co	1899	17,000,000
American Woolen Co	1899	49,795,100
American Writing Paper Co	1899	30,000,000
Associated Merchants Co	1901	15,000,000
Atlantic Rubber Shoe Co	1901	10,000,000
Borden's Condensed Milk Co	1899	25,000,000
Central Foundry Co	1899	18,000,000
Chicago Pneumatic Tool Co	1902	10,000,000
Colonial Lumber and Box Corporation	1902	15,000,000
Consolidated Railway Lighting and Refrigerating Co	1901	17,000,000
Consolidated Tobacco Co	1901	262,639,200
Corn Products Co	1902	80,000,000
Crucible Steel Co. of America	1900	50,000,000
Eastman Kodak Co	1901	19,673,100
Electric Co. of America	1899	20,338,400
Electric Vehicle Co	1899	18,475,000
Fairmont Coal Co	1901	18,000,000
General Chemical Co	1899	16,821,500
Harbison-Walker Refractories Co	1902	25,750,000
International Harvester Co	1902	120,000,000
International Salt Co	1901	32,000,000
International Steam Pump Co	1899	31,150,000
Jones & Laughlin Steel Co	1902	30,000,000
Monongahela River Consolidated Coal and Coke Co	1899	30,470,000
National Asphalt Co	1900	55,553,000
National Carbon Co	1899	10,000,000
National Enameling and Stamping Co	1899	23,838,400
National Fireproofing Co	1899	12,500,000
National Sugar Refining Co	1900	20,000,000
New England Cotton Yarn Co	1899	15,577,000
New York Dock Co	1901	28,580,000
Pacific Hardware and Steel Co	1902	10,000,000
Pennsylvania Steel Co	1901	34,250,000
Pittsburg Brewing Co	1899	23,000,000
Pittsburg Coal Co	1899	59,731,900
Planters' Compress Co	1899	10,000,000
Pressed Steel Car Co	1899	30,000,000
Quaker Oats Co	1901	11,500,000
Railway Steel Spring Co	1902	20,000,000
Republic Iron and Steel Co	1899	48,204,000
Royal Baking Powder Co	1899	20,000,000
Rubber Goods Manufacturing Co	1899	26,410,015
Sloss-Sheffield Steel and Iron Co	1899	18,200,000
Standard Milling Co	1900	17,250,000
Steamship Co., Consolidated Trans-Atlantic	1902	170,000,000
Union Bag and Paper Co	1899	27,000,000
United Box, Board and Paper Co	1902	30,000,000
United Fruit Co	1899	15,369,500
United Copper Co	1902	50,000,000
United Shoe Machinery Co	1899	20,055,575
United States Cast-Iron Pipe and Foundry Co	1899	25,000,000
United States Cotton Duck Corporation	1901	13,100,000
United States Realty and Construction Co	1902	66,000,000
United States Reduction and Refining Co	1901	12,808,300
United States Shipbuilding Co	1902	71,000,000
United States Steel Corporation	1901	1,389,339,956
Universal Tobacco Co	1901	10,000,000
Virginia Iron, Coal and Coke Co	1899	18,070,000
Total		4,318,005,646

Mr. Chairman, it will be observed from the above list that none of the trusts given are capitalized at less than $10,000,000, and

the 82 combinations aggregate a capital of $4,318,005,646. The total number of combinations in the nature of trusts organized and in existence at this time in the United States are about 800, with a capitalization of over $9,000,000,000. If to this list were added railroad consolidations, the outstanding capitalization would approximate more than $15,000,000,000, or near one-sixth of the total wealth of the United States.

I am heartily in favor of some additional trust legislation. Some legislation that will further aid and strengthen the existing laws upon this subject, if, as claimed by many, they need this to crush out and exterminate these evils. I want no excuse left to those who are charged with the duty of enforcing the law to say to the people of this country that they are unable to accomplish this object because the law is defective; because the necessary power to this end has not been given them. I am reminded by this bill of the position assumed by the Republican party in the closing days of the Fifty-sixth Congress.

At that time, as now, there was a universal demand from all parts of the country for trust legislation. To meet and quiet this feverish excitement and feeling the Judiciary Committee of this House, responding or attempting to respond to this demand, reported a resolution proposing an amendment to the Constitution purporting to extend and enlarge the powers of Congress to enable us to further legislate upon this subject; and at that time it was maintained and asserted upon the floor of this House and elsewhere by Republicans that they were powerless to enact any further effective legislation against the trust evil until further power was conferred upon Congress to do so; that they had already gone to the full limit of their constitutional authority. They not only took this position and attempted to defend it here upon the floor, but repeated the same arguments throughout the country in the campaign of 1900.

They occupied the strange, if not anomalous, position of contending that Congress had exhausted all of its constitutional prerogatives, but at the same time the same committee that reported this resolution had reported to this House a bill, known as the Littlefield bill (H. R. 10539), proposing amendments to the Sherman antitrust law of July 2, 1890, which was reported by the Committee on Rules to the House, to be taken up and considered under the same rules and immediately after the disposition of the resolution proposing such constitutional amendment. In one breath our trust-bursting friends said they had exhausted all power vested in Congress to further legislate and in the next advocated an amendment to the Sherman law to aid and strengthen it. This was the political fiasco they played at that time, and they are now rehearsing for the same dramatic performance.

The Democratic minority at that time said and contended upon this floor that Congress yet possessed ample power under the Constitution to legislate against trusts, and insisted that the proposed amendment to the trust law did not go to the full extent of our authority and was wholly insufficient to meet the exigencies of the situation. They proposed many of the amendments thereto which they now propose to the present bill. All of these amendments were then defeated by a strictly party vote, as they doubtless will be again. The constitutional proposition failed to receive the necessary two-thirds vote in the House and was defeated. The proposed amendment to the Sherman law, as contained in the Littlefield bill, was warmly supported by every Democrat in the House, and, after proposing numerous amendments as suggested and being defeated in the adoption of these, unanimously voted for the bill as reported by the committee, as they now propose to do for this bill, and the same was passed by substantially a unanimous vote.

This bill was sent over to the Senate, where it was put to sleep and was never afterwards heard of. It was at that time predicted by Democrats that the Republican party never intended to permit even that small boon of relief to come to the people. How well they prophesied subsequent events have demonstrated. May we not indulge the hope that the Republican majority in the present instance are actuated by more candor and sincerity than heretofore.

Mr. Chairman, when these measures were pending before this House in the closing days—I may say hours—of the Fifty-sixth Congress I had the honor of submitting some remarks in the debate upon those measures, and it occurs to me that they are peculiarly appropriate to this discussion, and I therefore incorporate a part of what I then said in my remarks upon this occasion:

In the House of Representatives, Friday, June 1, 1900. The House having under consideration the joint resolution (H. J. Res. 138) proposing an amendment to the Constitution of the United States—

Mr. ZENOR said:

Mr. SPEAKER: The House joint resolution 138, proposing an amendment to the Constitution of the United States, and House bill 10539, to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, having been reported by the Judiciary Committee, with special rules for their consideration, are now pending to be taken up, considered, and disposed of under a most extraordinary procedure, considering the importance of the questions involved.

Mr. Speaker, the concurrent submission of these two important propositions at the very close of the present session of this Congress has not been the result, in my judgment, of accident. That two such important measures should be held up during this long session and not even reported to this House until after the majority had presented and passed a resolution fixing the date of adjournment within six days from the time of their submission, and then accompanying their presentation with most drastic rules, is in the nature of a deathbed confession, and is, to say the least, very significant and conclusive evidence that this is a part of a well-considered and deliberately planned scheme of the Republican party to secure some mean partisan advantage of the political situation. Not that they mean to be serious or in earnest in this effort to deal with the evils of monopoly, trusts, and their allied interests, but to square themselves, if possible, with the country upon this most important question.

It is perfectly obvious to the most unthinking that unless the party charged with the responsibility of the present Administration initiate some move—take some steps, raise some cry against existing trust evils—looking toward the control in some way of these gigantic law-defying institutions before the adjournment of this Congress, that they will have no answer to make to the rank and file of their party and the people of the United States when confronted in the coming campaign with the charge of their duplicity and subserviency. Hence this precipitate action upon the part of the Republican party, through its leaders, the majority of this House. In order, however, that it may be understood under what rules these measures are being considered and the arbitrary manner in which the minority are denied all right to present any kind of motion to amend, modify, change, or alter in any way the constitutional amendment pending, and to force a vote thereon in the exact form in which the majority has reported it, I desire to print in my remarks the rules as reported. They read as follows:

"The Committee on Rules, to whom was referred House resolution No. 273, have had the same under consideration and report the following as a substitute therefor:

"*Resolved*, That House joint resolution 138, proposing an amendment to the Constitution of the United States, be made the special order in the House and taken up immediately on the adoption of this order; that general debate shall continue during the day and during a night session from 8 to 10.30 o'clock, and until 5 p. m. Friday, June 1, when the previous question on the resolution and amendments thereto reported from the committee to its final passage shall be considered as ordered, and the vote taken thereon without delay or intervening motion.

"That the bill (H. R. 10539) to amend an act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, be made the special order in the House and taken up immediately after the disposition of said House joint resolution 138; that general debate thereon be limited to one hour, thirty minutes on each side, and that the same be then considered under the five-minute rule as in the Committee of the Whole until 4 o'clock p. m. of Saturday, June 2, when the previous question on the bill and pending amendments shall be considered as ordered and the final vote taken; that at the opening of the general debate on House joint resolution 138 the amendments to H. R. 10539, proposed on the part of the minority in their views as filed, shall be read from the Clerk's desk and considered as pending when the vote is taken on said bill H. R. 10539, the time occupied in such reading not to be taken from the time of any member; that all members have leave to print upon such measures or either of them within five days after final vote taken.

"This rule shall not interfere with the consideration of conference reports."

Mr. Speaker, the gentleman from Pennsylvania has explained the object of the rules and the effect of their adoption. It will thus be seen that the design of these rules as reported by the committee and adopted by the majority vote of this House is to bring the House to a vote upon the amendment as presented by the majority of the Judiciary Committee, and deny to the minority or to anyone the right to offer any amendment thereto, although amendments have been prepared and presented, and if accepted by the majority or adopted by the House would doubtless secure the passage of this proposed amendment without opposition from the minority.

But it seems it does not suit the arbitrary purpose of the majority nor subserve their interests to permit any suggestions to be made by the minority in framing this important amendment. A proposed amendment to the organic law—the Constitution of the United States—which has up to this time been held so sacred that for more than one hundred years of our history it has not been deemed wise or expedient to amend, except to meet changed conditions, the result of a civil war and bloody revolution, and to secure the results of that civil conflict. It would seem to occur to ordinarily fair and conservative minds that a proposition of such transcendent importance to the people, and of such far-reaching consequences, that debate with the right of amendment should be most liberal, indeed should be given the widest possible range, with the opportunity to exploit all vulnerable points and wisely and judiciously shape, strengthen, and perfect the same with a view to the promotion of the best interests and general welfare of the whole people.

If it be claimed that the session is drawing to a close and the exigencies of the public business will not admit of more time, then it becomes necessary to explain why it was that a matter of such vital moment should have been delayed until such a late hour or why this session might not be prolonged. No adequate excuse can be found. No reason can be assigned for such unreasonable action. But whatever excuse or reason may be offered, whether satisfactory or otherwise, the fact remains that we are now confronted with these two most important measures of legislation, and we are compelled to meet them. We do not shrink from the task. The good faith of Republicans has been challenged, if not by their own action, by the newspapers of the country of both political parties, as well as the independent organs. They understand the situation. The independent, as well as party organs, have all characterized the effort now being put forth by the dominant party in respect to this proposed amendment, and they all unite in saying the only object is to make and accumulate cheap political party capital. Your purpose is transparent and will fail.

Mr. Speaker, I undertake to say that if the Republican party think they can deceive the country by this pretense of hostile legislation against trusts they underestimate the intelligence of the American people, and instead of deceiving them they will deceive themselves. It will not be forgotten that when the present Administration was inaugurated, after the party now in power had won the contest of 1896 and elected their President upon the money question, as they claimed, they came into control of the Government on the 4th day of March, 1897, and since that day have had control of both branches of Congress. Within eleven days from that time the President convened Congress in extraordinary session for the avowed purpose, as set forth in the President's message, of repealing the then existing law and passing a new revenue law. Notwithstanding you had won at the ballot-box in the contest of the preceding year upon the monetary issue, yet that question was not put forward or in any manner referred to as important in that message, and Congress was convened to legislate upon the tariff.

The sole result of that session was the passage of what is known as the

"Dingley bill." That legislation, in my opinion, has done more to breed, foster, and propagate trusts than any other one act put upon the statute books in our history. That was the first session of the Fifty-fifth Congress. That entire Congress of three sessions passed out of existence and into history and not a single measure was introduced or step taken by the party to legislate in restraint of trusts or protect the country from their injurious effects. The present Congress assembled in December last and, more than six months having elapsed, now, in the expiring hours of the session, within six days of the date fixed for adjournment, the dominant party presents this body with a resolution proposing an amendment to the Constitution and a bill to amend the existing antitrust law, known as the Sherman Act. This proposed amendment to the Constitution is embodied in the following language:

"SECTION 1. All powers conferred by this article shall extend to the several States, the Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States.

"SEC. 2. Congress shall have power to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

"The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

"SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation."

It will thus be seen that the first section of this proposed amendment announces a new departure in the doctrine of constitutional law, a new rule of construction. Heretofore throughout all our history no authority has yet been found, and no necessity supposed to exist, to justify this new, novel, and extraordinary phraseology in a constitutional amendment declaring it should extend to operate and have effect in the several States, the Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States. Not until the exigencies growing out of the imperial policy adopted by the Republican party demanded was this dangerous and revolutionary interpretation of the organic law ever thought to be necessary to exploit the force and effect of a constitutional provision. This theory, so cunningly devised and ingeniously framed in this proposition, is the reiteration of the same startling doctrine advanced by the dominant party in their contention in support of the Porto Rican tariff. It is the position the Republican party has assumed since it repudiated "our plain duty."

The majority of this House and the leaders of the Republican party in their rash and inconsiderate zeal to lay the foundation of a policy of European colonization by forcible annexation here in this country; to set the pace for subsequent legislation in relation to our new possessions, made the mistake of undertaking to convince the American people that the Constitution did not extend to our Territories of its own force; that this instrument only went where Congress said or might say it should go; that the Constitution and flag were inseparable parts of each other in the States, but that the flag was greater and possessed more vitality and expanding power than the Constitution; that it could go to Porto Rico, the Philippines, or anywhere beyond the confines of the States and remain there without Congressional aid or sanction, but that the Constitution remained at home under the guardianship of the Republican party and subject to its arbitrary will, to be projected here and there as best subserved to the political whims or partisan caprice of that party; that under the views now held by the leaders of the Republican party—I say leaders advisedly, for I do not believe that the great mass of the rank and file share these un-American ideas—the supreme and paramount law of the land, the great charter of American liberty and constitutional government has no permanent abiding place, no fixed and definite meaning, no well-defined and clearly drawn limitations and restrictions upon the powers of the Congress of the United States; that under this fundamental and hitherto supposedly all-pervading law of the land, no obligations, no prohibitions or restrictions are imposed upon the right and power of Congress to legislate and govern territory lying beyond or outside of the limits of the organized States of this Union, or restraining power to guide and control the arbitrary will of Congress in the enactment of laws for the government of the people of such possessions. The assumption and exercise of such power was for the first time in our history employed in the Porto Rican tariff legislation, but recently enacted by this present Congress, by which it was demonstrated that under this Republican theory of the Constitution Congress can levy and assess tariff duties and taxes against our own people, if they have the misfortune of residing within a Territory or dependent possession, without their consent or representation.

Such a theory and doctrine was so revolutionary and revolting to the minds of men accustomed to reading the pathetic story of heroic sacrifice from Bunker Hill to Yorktown that the Republican party found itself in an attitude of hostility to the almost universal sentiment of the people. Finding itself in this situation, and realizing that something heroic must be done *in extremis* to recoup some of the advantages they had lost and realign their party with public sentiment, it is not and will not be a great surprise to the country, and the country will thoroughly understand, that the alert and ever sagacious and masterful genius of Republican leadership should seize upon some favorable opportunity to create for their party some plausible excuse and justification for their course and failure to legislate for the relief of the country against trusts.

The apology they now offer is the suggestion of a remedy in which they have no confidence, and which they well know will never pass, and was not so intended when it was reported—a remedy by way of a constitutional amendment requiring a two-thirds majority in both branches of Congress to propose and three-fourths of the States to ratify before it can in any event become a part of the organic law. When it is remembered that the ratification by thirty-four States of the Union is essential to make effective the proposition now being considered, even admitting the possibility of its ultimate success, everyone who is honest and sincere and earnestly desires the immediate application of some effective and wholesome legislation against trusts must admit that the remote and far-off remedy by constitutional amendment is not the remedy sought by the appeals of the trust victims of the country, if there exists any other.

Mr. Speaker, I contend, and the Democratic minority in this House contends, that Congress now has ample power under the Constitution to legislate effectively to destroy every trust, illegal combination, and monopoly that today menaces the public interests and threatens the public weal. There is scarcely an honest pretense made, and certainly no convincing arguments advanced by the proponents of this resolution, that all power under the interstate-commerce clause of the Constitution has been exhausted by the law enacted July 2, 1890, known as the Sherman antitrust law—a law I desire to remind our Republican friends that was supported by every Democrat of the House who voted, as the records show. This is the much-vaunted Republican law that is now claimed to have exhausted the power of Congress to legislate against trusts, so frequently referred to in argument in this discussion, as the ground and only excuse our Republican friends have for insisting upon the necessity of this amendment. They claim that having gone to the full limit of Federal legislation upon this subject in the Sherman law, and the provisions of that law having proved inefficient to suppress trusts and afford the people adequate relief, that therefore they must have additional power, and this additional power must be granted by this proposed amendment, demanding of the States a surrender of all State jurisdiction over the subject and vesting in Congress absolute and exclusive power to deal with the questions involved.

This is a grave and serious proposition. Any proposition that involves the surrender by the States of the power and jurisdiction to govern and control their own domestic concerns and place that power beyond recall in the Federal Government, when addressed to a thinking and considerate man, must, it seems to me, cause him to hesitate and carefully pause before he can obtain his consent to commit himself to such a proposition and be willing to confer on Congress so vast a power. Such a vital and radical change in the organic law can only be justified, in my judgment, upon the clearest grounds of public necessity. It can never be excused or defended when sought in the interest of some partisan advantage or political maneuver. Believing as I do, and as I believe the leaders of the dominant party as well as the country at large do, that there exists no present urgent necessity for any enlargement of the powers of Congress to effectively legislate against trust evils, and that this movement is an effort to shirk a pressing and imperative duty, I am therefore unable to give this resolution the sanction of my vote.

I firmly believe with the minority that Congress has ample power and jurisdiction under the Constitution as it now is, and if it will but employ and exercise those powers in the proper manner and right direction it will be enabled to legislate effectively to crush out of existence every unlawful combination, trust, and monopoly that now curses the land. If our Republican friends could be induced to recall a memorable utterance of their President, inseparably associated with the legislative history of this session and destined to project itself into the political literature and campaign parlance of the country in the near future, and would summon to their aid moral courage sufficient to obey its injunction, "it is our plain duty," they would find in this a speedy and ample remedy for all the evils with which we are now confronted growing out of trusts and criminal conspiracies. There are more remedies than one to meet these combinations.

Our Republican friends will not be able to divert public attention nor deceive the people by their clamor about constitutional amendments. They know, and the people understand, that these gigantic trusts and criminal conspiracies have been bred, fostered, and fed by class legislation, high protective tariffs, railroad rebates, financial laws, and bank monopolies. They know and understand that if the shelter under which they have been enabled to amass their mighty power and wealth is removed that it will prove a potential factor in their destruction. Under the present Administration and the operation of the Dingley tariff during the last three years there have been organized more trusts, aggregating more capital, than in all the previous history of the country. Up to November 30, 1899, there were organized over 200 corporate trusts and 65 principal, unincorporated trusts. During the present Administration six billions of property and "water" have been capitalized by different corporations, trusts, and combines.

Why, Mr. Speaker, it is said that in the single State of New Jersey, the home of the Attorney-General of this Administration, the fees and charges alone for recording and issuing certificates for the incorporation of these concerns have been sufficient to defray the entire expense of maintaining the public schools of the whole State of New Jersey. Not only the luxuries but most of the necessities of life in this country are to-day within the grasp of some gigantic trust or combine. From the farmer's nail to the last article in his catalogue of supplies, from the swaddling clothes of the new born to the winding sheet of decrepit old age, all pay tribute and sacrifice to some mighty trust. Mr. Speaker, I have read in the public prints that during the last campaign in the State of Ohio a distinguished leader and chairman of the Republican national committee in some of his public addresses to the people of that State apologized for these trusts and excused their existence as the natural evolution of the phenomenal development of the business prosperity of this Administration.

The country, doubtless, well remembers with what luminous prophecy the campaign of 1896 abounded. Our Republican campaign orators from every stump fired the partisan zeal of their followers by portraying to the fancy in extravagant phrase and spectacular speech the marvelous transformation that would result from the success of their party. Surely the picture was not overdrawn if these political seers had in contemplation the abnormal growth and phenomenal development of criminal combinations, trusts, and conspiracies. If these were to be the symbols of Republican victory and types of that legitimate thrift, push, and energy that was to signalize the advent to power of the Republican party, then certainly the prophecy of our friends has been abundantly fulfilled. Nay, more. These hydra-headed monsters have by far outrun the most extravagant calculations of their friends, and have become so defiant, arrogant, and fearless that they now even threaten the overthrow of that party, unless some well-devised and tactical movement is initiated before the close of this session of Congress by its leaders to quiet the alarm and stay public sentiment.

To divert public attention from their failure to deal with this monstrous evil, and to deceive and delude the country, they now pretend that Congress has no further power to legislate to suppress these evils under the Constitution—as it now exists—and bring forward this proposition. They thereby hope to appear anxious and willing to do something for the relief of the people against trusts. They imagine that by proposing this amendment, however vicious and monstrous its provisions, the people will not stop to criticise or study their real purpose, but in their eagerness to rid themselves of the tyranny and oppression of the trusts, will array themselves in hostility to any party who may dare to oppose their suggestions or exploit their schemes. They hope to put—they imagine they will put their adversaries at a disadvantage before the American people by assuming an attitude of hostility to the trusts in such a way and manner that, however insincere and disingenuous they may be, and however impracticable and hopeless of success the methods employed, their opponents dare not challenge their sincerity or question those methods.

They forget that an intelligent, patriotic, and earnest people believe that in politics, as in everything else, "Honesty is the best policy," and I believe I do not misjudge their sentiment and temper when I say that I can and do repose a supreme reliance in the ability of the American people to recognize and appreciate upright motives, and to detect, censure, and condemn all manner of deception and fraud by whomsoever practiced. They will easily see and understand, as the public prints have already suggested, that a vote for this proposed amendment is a vote in favor of doing nothing against trusts. They will readily comprehend that a vote for this proposed amendment is an admission of the validity of the claim now made by the dominant party in excuse for their failure and refusal to enact legislation throughout all these years against the trusts. Every intelligent citizen knows that this is not true. The party itself here and now openly confesses that this is not true. The pending bill (Littlefield bill, No. 10539), concurrently reported with the pending joint resolution by the Judiciary Committee, is a solemn confession by the Republican party that they have not yet exhausted all constitutional power to further legislate against the trusts.

This very bill now pending, and to be taken up and considered by this House immediately after the vote upon this resolution, proposes several amendments to and enlarges the power and scope of the present existing antitrust law of July 2, 1890. It is the judgment of many of the best-informed

lawyers of the country, who have given this subject special study and attention, that the present existing antitrust law, with such additional amendments as are within the constitutional power of Congress to enact, will furnish ample and complete legal authority, when exercised concurrently with the power of the several States, to oust every illegal combination, trust, and monopoly that now afflicts the body politic. I am firmly persuaded to believe that with the additional legislation proposed in the Littlefield bill now pending and the amendments proposed thereto by the Democratic minority of the Judiciary Committee will, if passed by this House, furnish ample and complete Federal authority, when supplemented by proper State legislation, to control and dislodge the trust combines. And there is no doubt of the passage of this bill; both parties and the members of this House, regardless of politics, will support it.

I heartily approve of the amendments offered to the bill by the minority of the committee, as I know my Democratic colleagues do, and we sincerely hope they may receive the support of enough members on that side of the Chamber to adopt them. I trust this will be done because, in my judgment, they very much strengthen and render more effective the law. If, however, I and the minority of this House shall fail to realize our hope in this regard; if these amendments shall be defeated, I will then give my vote for the bill as the best that can be done at this time. But, Mr. Speaker, before I forget it, I wish to call attention to the further provision—section second of this proposed amendment. I have already alluded to the fact that a further and more serious objection to this proposition was the strong, emphatic, and sweeping language of this second section. For convenience I insert the full text of this amendment.

"ARTICLE XVI.

"SECTION 1. All powers conferred by this article shall extend to the several States, the Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States.

"SEC. 2. Congress shall have power to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

"The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

"SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation."

This language is much more comprehensive, perhaps, than would occur to the casual reader without pausing to weigh and measure its full significance and far-reaching effect. It was the evident purpose of its author to vest practically absolute power and jurisdiction in Congress over the subject-matter of the proposed amendment. This will more clearly appear when considered in connection with that other provision of the Constitution which declares that—

"This Constitution and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding."

If, therefore, the proposed amendment as drawn shall become a part of the Constitution, no State could pass or enforce any law upon the subject of trust combinations and monopoly conspiracies not in harmony with the Federal laws, and State jurisdiction would be entirely subordinated to the Federal jurisdiction. This is the first time in our whole legislative history that it has been suggested, by way of constitutional amendment, to extend the Federal jurisdiction to the control of the domestic institutions of the States; the first proposed innovation upon our dual system of government; the first demand made upon the States for a surrender of those rights hitherto guarded with such jealous vigilance and care; another effort put forth to centralize more power in the Federal Government at the sacrifice of the States. Before consenting to such a grave step—such a vital and fundamental change in the distribution of the legislative powers of our Government—conservative and thinking men and lawmakers may well pause and deliberately reflect. In my opinion a proposition of such doubtful propriety and questionable wisdom should not be entertained in the absence of the most overwhelming and convincing reasons. They do not now exist. In fact, Mr. Speaker, it is my deliberate judgment, after the most careful thought I have been able to bestow upon this question, that the adoption of such a resolution as this, if otherwise desirable, would be to defeat the very purpose in view.

To withdraw from the States or destroy their power to legislate in aid of the suppression of trusts and transfer that power exclusively to the Congress would, in my humble opinion, be welcomed by the millionaire and multimillionaire trusts and combines of this country as the greatest concession ever yet made to their interests. The States are regarded by these interests as the most potential foes they have. They have up to this time, except in very few instances where they have completely surrendered to trust control as a matter of business, as in New Jersey, done more to restrain and cripple the trusts by their antitrust State laws and their honest and vigorous enforcement than all the Federal laws upon the statute book.

In the States of Texas and Arkansas they have literally rid their States of their operation and freed their people from their influence. No greater mistake could possibly be made than to deprive the States of their jurisdiction to deal with and control their own domestic concerns, including their power to regulate, control, and manage all corporations created under their authority and located within their respective boundaries; to prescribe the terms and conditions upon which foreign corporations may be permitted to do business within their jurisdictions. The trusts, their hired counsel and agents, are watching every move that is made. The people are impatient and demand some immediate, effective, and practical relief. Neither of these interests, in my judgment, believe any constitutional amendment necessary to accomplish the complete overthrow of the trust power. That if the power now vested in Congress is courageously exercised and appropriate laws passed within the scope of that power and vigorously enforced, it is the consensus of the most enlightened public opinion, in my judgment, that these public enemies of our country will be driven from their fields of operation.

It is not sufficient to answer that the Supreme Court has held that existing law does not and can not control manufacture or production except when and as they become a part of interstate commerce. The court was here discussing the distinction between manufacture or production and interstate commerce not only as abstract propositions but as related to each other and the point of time when an article passed from the control of the State and became a part of interstate commerce. In this very opinion, rendered by Chief Justice Fuller in the Knight case (156 United States, page 11) the court draws this distinction very clearly.

"Doubtless the power to control the manufacture of a given thing"—

He says—

"involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense; and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture and is not a part of it. The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce, and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to commerce. * * *

"It is true that the bill alleged that the products of these (sugar) refineries were sold and distributed among the several States, and that all the companies were engaged in trade or commerce with the several States; but this was no more than to say that trade and commerce served manufacture to fulfill its function. Sugar was refined for sale, and sales were probably made at Philadelphia for consumption, and undoubtedly for resale by the first purchasers throughout Pennsylvania and other States, and refined sugar was also forwarded by the companies to other States for sale. Nevertheless it does not follow that an attempt to monopolize or the actual monopoly of the manufacture was an attempt, whether executory or consummated, to monopolize commerce, even though, in order to dispose of the product, the instrumentality of commerce was necessarily invoked."

This decision was made under the provisions of the present Sherman antitrust law of 1890. The court further says in this same opinion that—

"It can not be denied that the power of a State to protect the lives, health, and property of its citizens, and to preserve good order and the public morals, 'the power to govern men and things within the limits of its dominion,' is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive.

"The relief of the citizens of each State from the burden of monopoly and the evils resulting from the restraint of trade among such citizens was left with the States to deal with, and this court has recognized their possession of that power even to the extent of holding that an employment or business carried on by private individuals, when it becomes a matter of such public interest and importance as to create a common charge or burden upon the citizen; in other words, when it becomes a practical monopoly, to which the citizen is compelled to resort and by means of which a tribute can be exacted from the community, is subject to regulation by State legislative power. On the other hand, the power of Congress to regulate commerce among the several States is also exclusive. The Constitution does not provide that interstate commerce shall be free; but, by the grant of this exclusive power to regulate it, it was left free, except as Congress might impose restraints."

He also says:

"That which belongs to commerce is within the jurisdiction of the United States, but that which does not belong to commerce is within the jurisdiction of the police power of the State."

And—

"The argument is that the power to control the manufacture of refined sugar is a monopoly over a necessary of life, to the enjoyment of which by a large part of the population of the United States interstate commerce is indispensable, and that, therefore, the General Government, in the exercise of the power to regulate commerce, may repress such monopoly directly and set aside the instruments which have created it. But this argument can not be confined to necessaries of life merely, and must include all articles of general consumption.

"Doubtless the power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense; and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture and is not a part of it. The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce."

In this same case, on page 25, Mr. Justice Harlan remarks:

"But a general restraint of trade has often resulted from combinations formed for the purpose of controlling prices by destroying the opportunity of buyers and sellers to deal with each other upon the basis of fair, open, free competition. Combinations of this character have frequently been the subject of judicial scrutiny, and have always been condemned as illegal because of their necessary tendency to restrain trade. Such combinations are against common right and are crimes against the public. To some of the cases of that character it will be well to refer."

And at page 24 says:

"If it be true that a combination of corporations or individuals may, so far as the power of Congress is concerned, subject interstate trade, in any of its stages, to unlawful restraints, the conclusion is inevitable that the Constitution has failed to accomplish one primary object of the Union, which was to place commerce among the States under the control of the Common Government of all the people, and thereby relieve or protect it against burdens or restrictions imposed, by whatever authority, for the benefit of particular localities or special interests."

And again he says:

"In my judgment the General Government is not placed by the Constitution in such a condition of helplessness that it must fold its arms and remain inactive while capital combines, under the name of a corporation, to destroy competition, not in one State only, but throughout the entire country, in the buying and selling of articles—especially the necessaries of life—that go into commerce among the States. The doctrine of the autonomy of the States can not properly be invoked to justify a denial of power in the National Government to meet such an emergency, involving, as it does, that freedom of commercial intercourse among the States which the Constitution sought to attain."

And again, at pages 44 and 45:

"We have before us the case of a combination which absolutely controls, or may at its discretion control, the price of all refined sugar in this country. Suppose another combination, organized for private gain and to control prices, should obtain possession of all the large flour mills in the United States; another, of all the grain elevators; another, of all the oil territory; another, of all the salt-producing regions; another, of all the cotton mills; and another, of all the great establishments for slaughtering animals and the preparation of meats. What power is competent to protect the people of the United States against such dangers except a national power—one that is capable of exerting its sovereign authority throughout every part of the territory and over all the people of the nation?"

Mr. Speaker, according to the views expressed by Judge Harlan, he does not seem to be in harmony with the position assumed by the majority of this House. He seems to think that the General Government is not placed by the Constitution in such a condition of helplessness that it must fold its arms and remain silent while capital combines, under the name of a corporation, to destroy competition, not in one State only, but throughout the entire country, in the buying and selling articles that go into commerce among the States. This eminent judge does not question the power of the General Government under appropriate legislation to cope with the trust problem. He makes no suggestion of the necessity of a constitutional amendment to confer additional power upon Congress to accomplish the desired end. Hence I take it that no such resort is demanded.

But, Mr. Speaker, I desire to call brief attention to the situation with reference to House bill 10539, proposing amendments to the Sherman antitrust law of July 2, 1890, and the attitude of the minority of the Judiciary Committee and of this House in relation to the same. It seems the committee divided somewhat along political lines, it is true, not upon the main propositions involved, but the difference has arisen as to the extent and scope of

the proposed amendments. The majority assert that the bill reported by them with amendments which they recommend go to the full limit of their constitutional authority upon this question, while the minority contend that such bill and amendments do not exhaust the full power of Congress over the subject, and report and recommend the adoption of several additional amendments making the law still more sweeping and drastic in its provisions.

Now, while I am not fully prepared to determine with absolute confidence the merits of this contention, yet I am fully prepared to say that I am perfectly willing to go to the utmost limits of constitutional power in amendments to this law to meet the emergencies of the present situation, and no gentleman upon this floor will in my opinion be excused or escape just censure from the people for doing less. If anything was needed to emphasize the importance of the situation and the imperative duty of this hour, it is the universal demand coming from every quarter and section, from every home and hamlet, from every business avocation and enterprise throughout the land, calling for substantial, effective, and immediate relief from the remorseless grasp of these heartless and soulless monsters of commercial greed and organized robbery, who stalk the streets of our great commercial centers and highways of trade as fearless and arrogant as they are soulless and heartless. I, for one, shall not stop to split hairs about nice technicalities of constitutional power in dealing with this subject, as our friends upon the other side have not done upon several other occasions in dealing with Porto Rico and our newly acquired possessions. I am willing for once to join them in going to the doubtful verge, and if they are as courageous in this emergency as they have been in the recent past to suppress this all-pervading evil, I have but little fears that this House will adopt all these amendments. I fear, however, they will not follow in this instance where duty and patriotism lead, for already the leaders upon that side of the Chamber are giving out evidences of their failing courage as they face the real thing.

It seems one thing to defy constitutional limitations when you come to deal with a helpless and impotent people across the waters, and quite a different thing to deal with organized greed and trust magnates on this side. Here you are strict constructionists of the old-fashioned Democratic school; there you are latitudinarians of the most pronounced and dangerous type. I shall support these amendments offered by the minority, and if the sincerity of our Republican friends is equal to their pretended zeal in fighting the trusts they, too, will support them, and thereby make this law what it ought and should be. If defeated in this, I will, as suggested, still support the original bill with the majority amendments. That these minority amendments may be understood and their merits judged of, I wish to insert them as part of my remarks. They are as follows:

"Amend the new section 9 as reported by the committee as follows: Strike out all after figure 9 in said section and amend it so as to read as follows:

"'SEC. 9. That every corporation, association, joint-stock company, or partnership formed or made, or managing or carrying on its business, in whole or in part, for the purpose of controlling or monopolizing, *or in such manner as to control or monopolize, or tend to control or monopolize*, the manufacture, production, or sale of any article of commerce or merchandise *intended for interstate commerce or commerce with foreign countries*, or for the purpose of controlling or increasing or decreasing the cost or price of the same to the purchaser, user, or consumer thereof, for the purpose of preventing, *or in such manner as to prevent*, competition, or of preventing competition in the manufacture, production, or sale thereof, is, for the purposes of this act, hereby declared to be illegal *and a monopoly; and all such corporations, associations, joint-stock companies, and partnerships, and their officers, agents, managers, and attorneys, are hereby forbidden and prohibited from shipping or putting in transit any such article of commerce or merchandise to any State, Territory, foreign country, or place outside the State, Territory, or place in which it was manufactured or produced, and from selling or offering to sell any such article or merchandise to be so shipped or put into any such transit, unless for the private or personal use of the consignee; and for any violation of this provision shall be deemed guilty of an offense against the United States, and on conviction shall be punished by a fine of not less than $500 nor more than $5,000, and by imprisonment not less than thirty days nor more than six months.*

"'*All such corporations, associations, joint-stock companies, and partnerships as above declared illegal shall be, and hereby are, forbidden and prohibited the use of the United States mail in aid or furtherance of any such business or purposes, and all laws now in force for the prevention of the fraudulent use of the mails, so far as the same may be applicable, shall apply in the execution of such prohibition.*

"'*Any such corporation, association, joint-stock company, or partnership* may be proceeded against at the suit of any person or persons, or corporation, or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever, either with the States or the Territories of the United States or the District of Columbia, or any foreign country; and no article of commerce produced, or manufactured, or owned and dealt in by any such corporation, association, joint-stock company, or partnership so organized, formed, managed, or carrying on business, shall be transported or carried without the State or Territory in which produced or manufactured, or in which same may be, or without the District of Columbia if produced, manufactured, or found therein, by any individual, corporation, or common carrier, in any manner whatever. All such articles of commerce, shipped in violation of the provisions of this act, shall be forfeited to the United States, and may be seized by any marshal or deputy marshal of the United States, or by any person duly authorized by law to make such seizure, and when so seized shall be condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.'"

"SEC. 11. That every contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, tending to create a monopoly in the manufacture, production, sale, exchange, transportation, or dealing in any article of commerce or merchandise, entering into trade or commerce among the States or with foreign countries, or designed to create impediments to, or resulting in restrictions to, such trade or commerce or aids to commerce, or to limit or to control the manufacture or production of such articles or merchandise, for the purpose of increasing or decreasing, or operating in such manner, or with such result, as to increase or decrease the price of such article or merchandise to the user or consumer, for the purpose of preventing competition in the manufacture, production, sale, exchange, transportation, or dealing in such articles or merchandise, or to give power to charge unreasonable prices for merchandise or articles produced or manufactured to be bought, sold, exchanged, dealt in, or transported in such trade or commerce, or for the purpose of imposing, or in such manner as to impose, unjust or onerous restrictions upon, or impediments to, the lawful business of any person, company, or corporation engaged in the production or manufacture of such merchandise or articles, is hereby declared to be illegal and a monopoly within the meaning of this act, and every person who shall make, or enter into, or engage in, any such contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, or shall be a promoter thereof or officer or agent therein, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000 and by imprisonment not less than six months and not exceeding one year."

A new section 12, as follows, viz:

"SEC. 12. That whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspensions shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the proclamation of the President."

A new section 13, as follows, viz:

"SEC. 13. That whenever any State or Territory shall, in any law against trusts, combines, combinations, or monopolies, provide that no foreign corporation, association, joint-stock company, or partnership, or stockholder, member, or officer belonging to or interested in any such trust, combine, monopoly, or combination of any kind, shall be permitted to carry on or do any business, or have any office or place of business, in such State, or shall make provision to regulate or suppress the business of any such corporation, association, or partnership, or prohibit the sale or offering for sale in such State of any article or merchandise produced by it, every such corporation, association, or partnership carrying on, or attempting to carry on, or do any business or have any office or place of business therein, and all its articles or merchandise carried thereto, shall be subject to the operation and effect of such law, to the same extent and in the same manner as though it had been incorporated, organized, or formed in such State and such articles or merchandise had been made and not brought therein: and no such law shall be regarded as in any way trenching upon the power of Congress to regulate commerce among the States or with foreign nations: *Provided, however*, That such articles or merchandise may be shipped and transported into any such State or Territory for the personal and private use of the consignee."

A new section 14, as follows:

"SEC. 14. That every corporation, association, joint-stock company, or partnership in the United States, or any Territory thereof, or in the District of Columbia, whether organized or formed under and pursuant to the laws of the United States or of a State or of a Territory, owning or controlling any plant or business, or a majority of the stock in any plant or business, similar to its own, in any other State, Territory, or place outside of the one in which it was first chartered, organized, or formed, shall, before being permitted to ship, consign, take, carry, or transport, or sell or deliver for shipment, to any other State or Territory, or into or from the District of Columbia, or any foreign country, any article of commerce or merchandise of its own production or manufacture, or receive consignments or shipments of articles of commerce or merchandise, manufactured or produced in any other State or Territory, or in the District of Columbia, or any foreign country, file in the office of the Secretary of State of the United States a certified copy of its articles of incorporation, association, or partnership, together with a duly verified statement showing the article or articles or merchandise manufactured, produced, or dealt in by it or intended to be manufactured, produced, or dealt in by it; a copy of its by-laws, rules, and regulations; the names and places of residence of its officers and stockholders; the amount of its capital stock and the amount thereof actually issued; the amount thereof actually paid in in cash; the nature and value of the property owned by it, and also a full statement of all its debts and liabilities; the number of its employees and wages paid; the dividends paid, if any; the amount of its surplus, if any; the character of additions and improvements made each year and the cost thereof, and a statement of its operating and other expenses, together with a balance sheet showing its profits and losses; and shall annually thereafter file in said office a report, verified by a majority of the directors of a corporation, or by a majority of the members of an association, joint-stock company, or partnership, showing the same facts as then existing, and shall, before shipping, or offering or attempting to ship, or sell or deliver for shipment, or put in the way for transit, to any other State or Territory or the District of Columbia, or any foreign country, any article of commerce or merchandise manufactured, produced, or dealt in by it, plainly and conspicuously stamp thereon, when susceptible of being so stamped, and also on the outside of packages, boxes, or tanks containing the same, the name of the article or merchandise, and the name of the corporation, association, joint-stock company, or partnership manufacturing, producing, or dealing in the same, and the place from and to which it is to be shipped or transported.

"Every such corporation, association, or partnership as referred to in this section, and every officer, agent, or attorney thereof, that shall ship, or offer or attempt to ship, or sell or deliver for shipment, or put in the way of transit, to any other State or Territory, or to the District of Columbia, or to any foreign country, any article or merchandise dealt in, manufactured, or produced by it, or shall violate or fail to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000, and by imprisonment of not less than six months and not more than one year."

Mr. Speaker, section 12, offered as one of these amendments, will give the relief that has been contended for several years should be given, not only by Democrats, but by many independent Republicans and some of the ablest and most influential of the Administration newspapers of the country. I quote upon this question an editorial of the Washington Post of March 23, in which it makes a short quotation from the Hartford Courant, both supporters of the present Administration and high protection in politics. The Post editorially uses this language:

[From the Washington Post, March 23, 1900.]

"CONGRESS AND THE TRUSTS.

"When the elections of 1898 had assured Republican ascendency in both Houses of the Fifty-sixth Congress, the Post mentioned as one of the important duties that would devolve upon that body the accomplishment of some practical antitrust legislation. It was evident then, and it has become more apparent every day since that time, that the trusts would be one of the leading issues of the Presidential campaign. The Post suggested then, and has ever since persistently urged the necessity of depriving monopolistic combinations of any chance for shelter behind tariff schedules. As a consistent advocate of the doctrine of protection, the Post has protested and will continue to protest against its abuse. Attention has been called in these columns to trade combinations in protected industries that were and are stifling competition while paying large dividends on enormous overcapitalization. Testimony given before the Industrial Commission by managers of such combines convicts them of exploiting almost fabulous amounts of fictitious stock. Similar testimony shows that such combines sell their products all over Europe at lower prices than are charged for them to domestic consumers. These facts we have from time to time pointed out, and in the interest of the great principle of protection to which our marvelous development and splendid prosperity are largely due, the Post has advocated the reduction, not in all cases the destruction, of schedules thus outrageously abused.

"What is Congress going to do in order to put the Republican party in good form for the campaign? The President has called the attention of Congress to the trust evil and left to that body the duty of devising and applying such remedies as are in the scope of national legislation. It is admitted on all sides that some of the trusts are beyond the reach of national authority. It is admitted by all fair-minded men that there are some trade combines which have by legitimate means reduced the cost of production while increasing wages and not increasing prices. No indiscriminate warfare on trusts is called for. But against the sort of combines that are taking advantage of protective duties to prey on the public there is a remedy at hand, and every Congressman knows what it is.

"The Post has long looked and hoped for Republican cooperation in its effort to induce the Republicans in Congress to apply that remedial agency. There has been any amount of general denunciation of trusts in our Republican contemporaries, but until this date we have waited in vain for them to join us in advocating the only immediate and practical plan for relief. At last, however, we have the excellent company and good-fellowship of the Hartford Courant, a leading Republican journal in a State devoted almost exclusively to manufactures. That paper refers to and pointedly condemns the proposition of Judge Ray, of New York, chairman of the House Judiciary Committee, to amend the Constitution in a new spot by tacking upon it an article delegating to Congress "the power to regulate and repress monopolies and combinations, to create and dissolve corporations, and dispose of their property."

"This attempt to utilize Mr. Bryan's abandoned thunder finds no favor with our Hartford contemporary. After cauterizing with ridicule, the Courant squarely plants itself alongside the Post with this plain declaration:

"'But if Judge Ray wants the strongest and heartiest support the Courant can give him, let him induce his friend and colleague, the chairman of the Ways and Means Committee, to bring forward a bill striking from the Dingley tariff every protective duty behind which one of the vicious trusts is known to be smuggling and bloating. That's a practical remedy, right at hand. Such a bill, if Judge Ray and his associates put their shoulders to it in earnest, can be rushed through the House and sent to the Senate before the end of next week.'

"The antitrust amendment device is too shallow to deceive anybody with sense enough to decline an invitation to buy a gold brick or go out as bagholder on a snipe-hunting expedition. The Post is bound to credit Judge Ray with such intelligence and general information as must render it impossible for him to believe that his edition of the Bryan recipe has a ghost of a chance for adoption. Where is there a single State that would be willing for its legislature to vote for it? But the tariff-reduction specific would reach the disease promptly. It is of the kind that 'attend strictly to business and don't go loafin' round.' Will Congress apply it to those enemies of protection, those rapacious ingrates whom the tariff shelters?"

This, Mr. Speaker, is but a sample of many other able editorials appearing in the columns of Republican organs throughout the country; and yet in the majority report of the Judiciary Committee reporting this bill, as well as by the distinguished chairman of that committee, Mr. Ray, of New York, and my distinguished colleague, Mr. OVERSTREET, from Indiana, upon the floor of this House, denounce and characterize this proposition as a vicious and malignant Democratic assault upon the protective system, and would, if adopted, ruin the business industries of the country. Such a proposition, they say, would not only afford no relief against the trust evil, but would establish free trade and prove disastrous to our industrial system.

Again, our friends lose their nerve and grow less and less heroic amid the conflict of contending interests. In the presence of an evil which they charge upon the floor of this House has outgrown the power of the States to successfully cope with, and which they denounce in the most unmeasured terms, it will hardly be accepted as satisfactory by the great body of intelligent citizens of this country to say that, notwithstanding the manufacture of an article that has become the subject of a trust under the operation of the protective "Dingley bill," it will not do to strike from the law the duty upon that article, because, perchance, it might strike a blow to a pet political system of the Republican party. As between an incalculable good to the great mass and a theoretical injury to the favored few, the Republican majority of this House do not hesitate to side with the favored few. A day of reckoning will come, and in the crucial test of public opinion you will be weighed and measured. It may be then that you will regret the decision you now make and the company you now choose.

Now, Mr. Speaker, this struggle is on and the contest will not cease until it shall be determined whether the people of this country are the sovereigns or the money power, trust combinations, and organized greed are to prove themselves masters. A free people will not willingly yield up their liberties and obsequiously consent to trusts and financial serfdom. They have already borne much with patience and may yet endure, but these, of all times, are full of wholesome warning to the rich and powerful not to abuse their wealth and power, but to obey and respect the laws of the land and aid and assist in their enforcement. No class of people have so much of interest in the maintenance and enforcement of law and order as the men of wealth and fortune. Upon the integrity of our legislative bodies, courts, and administrative officers depend the safety and security of person and property. As an evidence of the spirit of unrest and the trend of thought, even among the magnates and princes of Wall street, concerning the present situation, I quote what Mr. James R. Keene, of Wall street fame, is reported to have said a short time since:

"The people of this country must arouse themselves. The coming election is of more importance, from the standpoint of a pure and true Americanism, than any that has transpired since the second election of Lincoln. Money is in the saddle; it is riding down the institutions of this country with a confident insolence that tells of its firm belief in its own invincibility. It is running the Government to-day in its every branch and arm.

"If money's power in molding public affairs goes forward for four years more as it has for four years past, the name of American liberty will only be worth a recollection as a matter of history. Money is pressing the people backward step by step. What is to be the end? If it goes on, there are, as matters trend, but two solutions. One is socialism, and the second is revolution. The American people must defend themselves from money just as they once guarded their forest frontiers from the savage. Unless they come solidly shoulder to shoulder for their rights, and come at once, Bunker Hill will have been a blunder, Yorktown a mistake."

Mr. Speaker, we believe we are right upon the question of this constitutional amendment. We believe that our friends upon the other side of this Chamber have not been candid, open, and frank in their advocacy of it. To show the lack of sincerity of some of the gentlemen upon that side of the Chamber, I will print as part of my remarks a clipping from a prominent newspaper what the distinguished leader and reputed mouthpiece of the Administration, Mr. GROSVENOR of Ohio, had to say just prior to the assembling of the present Congress in reference to the sufficiency of our antitrust laws, and the jurisdiction of the several States upon the subject of the control and restraint of trusts and corporations. It would seem from this published statement of the venerable statesman from Ohio that he at least would have been found joining hands with us in this controversy. Here is what the distinguished gentleman is reported to have said at that time:

"A REPUBLICAN VIEW.

"[By CHARLES H. GROSVENOR.]

"The Fifty-sixth Congress comes together under peculiar circumstances. The Republican majority is commissioned by the voice of the people to do certain things in any event, and to do certain other things if found to be wise and judicious.

"As to the things which the Republican majority has been commissioned to do:

"First, and most conspicuous of all, it has been delegated to revise the statutory financial condition of the country; that is to say, it has been decided by the people of the country, in the election of McKinley and the upholding of the platform at St. Louis, that the unwritten law of the Treasury, which for twenty years has paid gold upon every obligation of the Government, shall now be ordered by statute to continue that process. This is simply to enact into law the declaration of the Republican platform, which ordained the existing gold standard.

"When Congress shall have approved of this measure, either in the form it comes to the Senate or in such form as may afterwards be agreed upon, there will be no free and unlimited coinage of silver in this country for the next eight years in any event, because the Senate is absolutely sure to be against it during that period of time.

"While the Dingley bill has produced a great and gratifying return of revenue to the Treasury, there is yet, nevertheless, a demand that must be heeded, that there shall be economy in the public expenditures, needless expenditures must not be made, and many needful things must be postponed to a later and future day.

"As to trusts and combinations, it is my judgment, and I so said to a reporter of this paper some days ago, that the Sherman law of 1890, which was a Republican measure and which has now been put into full force and effectiveness by the Republican Administration, gives all the remedy needful in the control and overthrow of illegal trusts and harmful trusts which can be made by the action of Congress.

"This legislation, thus upheld by the Supreme Court, covers the whole ground of Congressional action, and all other laws should be enacted by the legislatures of the several States. I repeat what I said before: I am opposed to any interference by Congressional action with the right of the States to organize, create, control, limit, and regulate their own corporations in their own way, and for Congress to impair it by limitation upon the operation of State corporations other than that which was enacted in the interstate-commerce law would be such a violation of the right of States that it is not to be thought of for a moment."

Again, the Washington Post, while perhaps not a Republican organ, yet, as a general rule, supports the Administration, in an editorial appearing in its issue of May 31—the very day this measure was taken up in the House—had this to say upon the subject of this amendment and the Democratic position in relation thereto:

"By supporting this constitutional amendment Democrats would have deliberately connived at the permanent retirement of the trust issue, withdrawn it from the campaign, and thereby robbed their party of one of its most powerful engines of war."

I will publish the editorial as a portion of my remarks.

"DEMOCRATIC POSITION ON TRUSTS.

"Our Democratic friends in Congress are to be congratulated upon the attitude they have assumed toward the constitutional amendment proposed by the House Committee on the Judiciary, of which Hon. George W. Ray, of New York, is the chairman. Mr. Ray's proposition is obviously impracticable, and, as many believe, was intended to be so. By supporting it the Democrats would have deliberately connived at a virtually permanent retirement of the trust issue, withdrawn it from the campaign, and thereby robbed their party of one of its most powerful engines of war. They express their utter disbelief in the sincerity of any representative Republican effort to curtail the power of the trusts. It would have been, therefore, suicidal on their part to commit themselves to an arrangement most palpably calculated to serve the alleged purposes of their antagonists.

"There was still another serious objection, which is set forth in clause 3 of the resolution adopted by the Democratic caucus on Tuesday night:

"'3. We oppose and urge Democrats in Congress to vote against the constitutional amendment proposed by the Republican majority of the Judiciary Committee, unless amended by striking out section 1 thereof and adding thereto, in section 2, in lieu of these words: "The several States may continue to exercise such power in any manner not in conflict with the laws of the United States," the following: "Nothing in this article, nor any act of Congress in pursuance thereof, shall operate to abridge or impair any of the rights or powers held by any of the States prior to its adoption."'

"It seems to be the case, therefore, that the Democrats regarded the Ray proposition not only as a scheme to postpone, perhaps indefinitely, all governmental action against the trusts, and incidentally to entrap the Democrats into withdrawing the issue of the campaign of 1900, but also, in case the amendment should be finally adopted, as an abridgment of the rights and powers of the States. Certainly, holding such opinions, they could not have taken any course other than that referred to. Their present position, in this matter at least, seems to be unassailable."

Mr. Speaker, the present session of this Congress is now rapidly approaching its close. In looking back over the history of its seven months of legislation nothing will be found in the shape of relief to the great body of the people from the burdens of taxation, while the appropriations have grown and the expenses increased almost beyond calculation. Notwithstanding the country was assured by the late distinguished chairman of the Ways and Means Committee, Mr. Dingley, that the war-revenue bill, enacted as an emergency measure, would be repealed as soon as the war was over and peace declared, and notwithstanding that war ended now nearly two years ago, and many hundreds of petitions and memorials have flooded members of Congress from all parts of the country, praying for a repeal or modification of this onerous tax, and many bills have been introduced and referred to the proper committees, where they are still buried, asking for a repeal of this tax, in whole or in part, no sign or indication has ever been given of any hope or expectation of securing such repeal.

If no relief can be had by repeal of the war taxes, if the burdens of the people can not be lightened by any form of reduction in the exactions of taxation, let us at least go to the extent of performing a long-neglected duty, and place upon the statute book of the nation a law that will equalize in some degree the opportunities in life to meet these burdens—a law that shall be framed in the interests of the people, the whole people, adequate and sufficient in every respect to meet, overthrow, and outlaw in whatever phase or form they may present themselves every trust, combine, and conspiracy operating in restraint of trade and commerce and to the prejudice of free and open competition and the rights of the great mass of consumers throughout the country, and we will have then atoned for many sins of omission in the past. Not only this, Mr. Speaker, but when the law is ingrafted on the

statute book let it be understood by those in authority that it is meant to be and must be enforced.

Much of the existing condition of things in relation to the growth, power, and insolence of these trusts is due to inefficient, corrupt, or subservient officials charged with the duty of prosecuting those dignified and well-to-do violators of the law. It requires no ordinary amount of legal ability and moral courage to face this class of criminals in a court of justice with a vigorous criminal prosecution. They are usually able to command, in addition to their high social and business standing in the community, not only the very best legal talent of the country, but too often the influence and sympathy of the political party of which they are members. And thus the difficulties and embarrassments multiply to overawe and prevent a successful prosecution.

This, Mr. Speaker, is no fancy. It is what has happened in many instances. Loud and bitter complaints have been heard all over the country of the fact that, if a poor unfortunate wretch is overtaken and brought within the punishing power of the law, though his offense may have the mitigating element of having been committed to appease his own hunger, or maybe that of his wife and little ones, he is certain to suffer the full penalty of the law, while the rich and well-to-do—the man who can organize a gigantic conspiracy to fleece and rob a nation—the Government official who can filch from the public a thousand, a hundred thousand, or maybe a million of dollars, according to his opportunities, challenges public sympathy, if not favor, and places himself in the "heroic rôle," and is often able to baffle and defeat the law; and if perchance he is arraigned at the bar of justice, if not acquitted, secures a comparatively light sentence—with the almost certain assurance of executive clemency and pardon, after short imprisonment if that should be a part of his punishment.

This sentiment, while much at fault, is not entirely without some grounds of support. Confidence in the courts and public officials charged with the responsibility of administering the laws of the country has ever been the chief reliance of our people for security and protection. It is one of the highest duties of government to faithfully execute all the laws—to exert all its legitimate functions and to secure an honest and upright administration of justice in a spirit of the utmost fairness and impartiality to all. That this has not been done with reference to our antitrust laws by the Republican party goes without saying.

The Trusts.

SPEECH
OF
HON. CHARLES W. THOMPSON,
OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. THOMPSON said:

Mr. SPEAKER: The great objection against the trusts, as they exist to-day, the great danger to the community which inheres in them consists in the inordinate degree of power which they have acquired and which in many cases they have grossly abused. So far as I know there is no disposition on the part of any public man or any body of public men to interfere with any legitimate employment of capital or any logical development of business enterprise. We hear a great deal about "trust busting" and "trust killing" and "octopus hunting," but these terms are made use of in a hyperbolical sense, after the manner of the usual current American phraseology. What is really meant is trust regulating and trust curbing, which is perfectly proper and desirable.

The fathers of the Republic and all our wise lawgivers and statesmen from the Revolution down to the present time were and always have been especially solicitous to guard the Republic from the encroachments of too powerful influences, tendencies, and institutions which might infringe upon the freedom and rights of the individual citizen. Thus it was that all laws and customs of the Old World tending to create or foster privileged classes or privileged individuals were carefully excluded from our system of government. Thus it was that the tendency to centralization of power in the General Government, to the detriment of State rights, was provided against in the Constitution. And so it has ever been until lately that the laws and their application have looked steadily toward the preservation of individual freedom and the preservation of the sovereignty of the individual citizen at all hazards. The Government also has always hitherto been held to be superior in power to any and all corporate or incorporate enterprises and institutions within its jurisdiction, however wealthy and important they may have been.

But now, within a few years, and before we have really had time to realize the fact, a power has grown up in this country which, without any exaggeration, seriously menaces the power of the individual freeman and citizen, and challenges, even if it does not threaten to overthrow, the power of the General Government. This new power is the trust power. Its growth and its startling rate of increase during the last few years only serves to show more plainly than was ever shown before the vast possibilities of the power of money. Of course, the power of money has always been acknowledged, but it is only recently that it has given proof, or at least very strong evidence, that a comparatively few men, with unlimited pecuniary resources at their disposal, can control practically the whole business of the country and dispose of the individual citizen in whatever manner they please, and can at least have the audacity to essay to control the lawmaking, the law-expounding and law-enforcing departments of the Government of the United States.

I know that there are many other strong arguments in favor of curbing the trusts, but I am more and more firmly convinced, the longer I think about it, that this is the strongest of all, namely, that it is dangerous, injurious, and intolerable for any men or any institutions to be allowed to possess such a degree of power in this country as the trusts now possess. A citizen, even if he is a rich man, has a right to call on the President, no doubt. A citizen, even if he is a benevolent billionaire, has a right to make use of the telegraph. But who would have ever dreamed a few years ago that Mr. Morgan would come down to Washington and, in company with prominent Republican leaders connected with Congress, go to see the President and endeavor to make him abandon his antitrust campaign?

Who would have ever dreamed that Mr. Rockefeller would actually send telegrams to Senators, not pleading against certain measures, but stating bluntly that they must abandon such measures as he and his Standard Oil trust friends frowned upon and disliked? But that is what it has come to at last. And if the veteran Senator from Massachusetts, so wise in his generation and so skilled in parliamentary practice, could justly resent the practice of Senators and Representatives in seeking Presidential influence in favor of their measures or against other measures, how much more right have the people of the country to resent such attempts of favored and powerful corporations to "bulldoze" the Government of the United States. Of course they have a right to resent it, and they do resent it.

It is surely time to call a halt to the progress of a development within this country when it has reached such a degree of power and shown a disposition and ability to exert its power in such ways as in the case of the trusts. I for one do not believe that the bills passed by either House at this session are sufficient to meet the exigency, and I believe, and regret to believe, that their operation when enacted into law will not be effective. But we are willing to adopt the plans proposed by our Republican brethren, believing that it would be impossible at this time, considering the influence which the trusts have with that party, to pass such legislation as is needed to give relief to the people.

The yoke is heavy and the burden is not light, and if the Republican party does not give relief very soon, I am constrained to believe that the great toiling masses who have borne these unjust burdens with so much fortitude and long-suffering will assert their rights as American citizens and sweep the Republican party and its allies, the trusts, out of power, and enthrone the original idea of our great and just Government by giving equal rights to all, and will take away those special privileges to the few which have been given and encouraged by the Republican party by its allegiance to the high protective tariff.

I am in favor of enacting any and all measures which look toward the abatement of the trust evils, even if those measures may be very inadequate for meeting the whole exigency. I fear, however, that our efforts as Congressmen and as citizens desiring the highest welfare of the country will be productive of little good results so long as the Republican party dominates the politics and the Government of the country.

I have great confidence in the honesty, integrity, and ability of my distinguished friend the gentleman from Maine [Mr. LITTLEFIELD], the author of the bill now under consideration. I believe he could have framed a bill which would have been more far-reaching and more effective, and which would have given far greater relief to the people; but he feared his party would not indorse it, and he doubted its passage through the Senate, where it would inevitably meet the force of opposition from the great Republican leaders who are so closely identified with the trusts. I believe my friend the distinguished gentlemen from Maine to be a conscientious Representative of the people, and one who really desires to give ample relief to the people in this emergency, but unfortunately he has not the cooperation of his party on this question.

Is it not perfectly clear that the Republican party, as a party, and as represented by its party leaders, is in league with the trusts? Of course it is. Everybody knows it. It is as plain as the sun at noonday. The trust magnates are all Republicans because the Republicans aid them with their tariff schedules; and the Republicans aid them by keeping up their high tariff schedules because the trusts contribute liberally to the Republican campaign funds. Everybody understands this, and it is such an old story that a speaker ought almost to apologize to the House for using up time in telling it.

With the Republicans committed irrevocably to the tariff and

the trusts what can one man do, even if he be President of the United States, to curb the trusts? In order to cope with this urgent necessity which now confronts the community it is first of all requisite that the Democrats should be restored to power in the executive and legislative branches of the Government. It is not the design of the Democratic party to legislate in a crude and violent manner against the legitimate and proper employment of capital. It is not the design of the Democrats to assault and uproot established business enterprises simply because they are of great dimensions. The recent great advances in commercial activity in the South, and the recent great multiplication and amplification of important business enterprises in that section, ought to be sufficient to convince the people of the United States that the commercial and industrial policy of the Democratic party, if in power, would be essentially conservative. But its history as a party would also prove that it would legislate in all things for the benefit of all classes of the community and for the equal rights of all citizens, and that it would steadfastly oppose all special privileges and all exhibitions of partiality toward certain classes of persons and industries.

I return to the thought with which I began, Mr. Speaker. Who can contemplate without apprehension the enormous power now wielded by the trusts? No one can do so unless he be a beneficiary of the trusts. It is well known that the statistics in regard to the trusts which have been generally relied upon are very inadequate and fall far short of the truth. It is a fact now ascertained beyond a doubt that the trusts actually now incorporated and in flourishing activity in this country number over 700, and that they embrace monopolies of hundreds of our most essential industries. Their capitalization runs up into the billions, no one knows how far, but in such large figures no one can realize the exact dimensions, even if they are precisely known. Suffice it to say that the trusts control to-day the great bulk of our industrial enterprises and comprise a large part, probably nearly one-half, of the entire wealth of the country. I submit that this is too much power to be suffered to concentrate in the hands of a comparatively few corporations and individuals. I submit that this power must be curbed forthwith; and I submit that this great and indispensable work can only be performed by a Democratic Administration and Congress.

Pure Food.

SPEECH
OF
HON. HERMAN B. DAHLE,
OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, December 19, 1902.

The House being in Committee of the Whole on the state of the Union and having under consideration the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes—

Mr. DAHLE said:

Mr. CHAIRMAN: The Committee on Interstate Commerce informs us through its report that it has had four different bills referred to it, all seemingly having the same object in view, and that after having carefully considered each of them, a majority of that committee are persuaded that the bill now before us will, if enacted into a law, best reach the object sought.

Section 1 of this bill proposes that the Secretary of Agriculture shall organize the Chemistry Division of the Department of Agriculture into a bureau of chemistry, which shall have direction of the chemical work of the present Division of Chemistry and of the chemical work of the other Executive Departments whose respective heads may apply to the Secretary of Agriculture for such collaboration, and which shall also be charged with the inspection of food and drug products as provided in the bill, and that such Secretary shall make necessary rules and regulations for carrying out the provisions of the act under which the director of the bureau of chemistry shall procure from time to time and analyze or examine samples of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been manufactured or produced. And the Secretary of Agriculture is authorized to employ such chemists, inspectors, and other employees as may be necessary.

The next section establishes penalty for the offense of this law.

In the next section it is provided that examination be made of specimens of foods and drugs offered for sale in unbroken packages such as come within interstate commerce, by the direction of the Bureau of Chemistry.

Also provides that prosecution for penalties named shall be instituted by proper United States district attorney upon certification of Secretary of Agriculture that any provisions of this bill have been violated. Next it is provided that it is the duty of every district attorney to whom the Secretary of Agriculture shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay.

Mr. Chairman, it so happens that the place I was born in was a store with dwelling attached, where my father sold food, and continued in that business from such time until I was old enough to start in business for myself in the same line, and I am yet interested in that branch of trade, so that I, continuously up to the time I came here, have been in close contact with the consumer as well as manufacturer and jobber of food, and know from my long experience that there are ample grounds for the enactment of this kind of a law.

As a dealer in food as defined by this act, I will very much appreciate its passage personally, and for the people I represent. I know it will be accepted as a very good law by the large majority of the people I represent, and I feel the same is the case with the very large majority of all our people, whether they are located in the North, East, South, or West.

It will be a benefit first to the consumer who comprises all our people to a larger or smaller degree by prohibiting the sale of all articles of food products that are deleterious, and providing that all adulterated food and drugs shall be sold under their true names in such manner as to advise the purchaser of what he is getting. He will also be protected from purchasing that which is deleterious according to this bill when enacted.

And with such consumers whose taste or imagination can best be satisfied with such products as are manufactured abroad and imported the label or name will then be a security or guaranty.

The consumer who is poor, whose means are small, who must live as cheaply as possible and yet not sacrifice health, also the better to do of fair means, who wishes to live an economic life, will be benefited, because he may now subsist on that which is so poor as to be deleterious to health and life on account of the very inferior, decayed, mixed raw material used or poisonous ingredient added in such manufacture or preparation so that the product becomes deleterious.

He will also be benefited because food which is cheapened in such different ways as mixture and adulteration must then be marked as such and will be sold on its merits, except in cases where advertising may have some effect.

LOSERS.

Those who will lose by the enactment of this bill are the following:

First. All manufacturers or dealers in all articles the sale of which will be prohibited by this law because such articles are deleterious. I feel that the great majority of our people, the consumers as a class, will appreciate such restriction, and I feel that it is our duty to help them secure it.

Second. Manufacturers who have in many instances made undue profits by manufacturing, preparing, or canning what is now called pure food from animal, cereal, vegetable, or fruit raw product, which has been of such inferior quality or decayed so that the manufactured or prepared article is deleterious.

Third. Those who manufacture or prepare articles of food or drugs, included in this bill, marking, labeling, and offering such for sale as pure and of a high standard, while such may be adulterated or imitation under the name of another article, thereby taking advantage of the consumer, because such adulterated, mixed, or imitation article will yield the manufacturer a larger profit himself and dealer, because such manufacturer will also aim to so arrange his price to the dealer that he also may share in the larger profit to the loss of the consumer.

The one of the two dissenting members of the committee reporting this bill admits that legislation which will insure pure food and protection to the consumers is wise, but claims that such legislation should not embarrass the manufacturer of and dealer in pure food. If a part of the manufacturers of food did not resort to the use of improper raw material, and make the food of low strength, as stated, there might be no necessity of this requirement, but with conditions as they are it is necessary.

When you opponents of this measure claim that all that can be regulated which is involved in this bill by State officials through State laws better than by Government officials through the enactment of the act before us. Then I wish to call your attention to the very marked improvement in reaching the object sought by Government law enforced by Government officials over State officials in the oleomargarine manufacture and sale when the late Government law regulating the manufacture and sale of that product went into effect.

Before that time the unscrupulous manufacturer and dealer in that product made undue profits, taking undue advantage of the consumer by manufacturing, placing on the market, an imi-

tation, much cheaper produced than the article it was made to imitate, placing same on the market and disposing of same for another product.

I do not find that the Government has any trouble in enforcing this law. The consumer who now wishes the genuine article can get such by paying the price it is worth, and the consumer of small means gets what he has to get along with at a proper price.

We keep our Army and Navy not for war but for peace, and so with the enactment of this bill, it will not be for war but for peace in the sense of the national law being effective where State laws are not in very many instances carried out.

The United States Agricultural Department is assisting and doing much good by experimenting in and studying the various branches of the great industry in which such a great army of our people are interested, viz, agriculture, and in conveying such results and knowledge gained by such experiments to such producers through "Farmers' Bulletins," published from time to time and distributed largely through members of Congress, such bulletins as each member will judge of most interest and benefit to the particular district he represents, being by him selected and distributed. These can also be obtained by individuals ordering same direct from this Department. I find that there are bulletins published on cattle, hogs, sheep, horses, poultry, fruit, vegetables, grain, pastures, grasses, soils, and many other subjects pertaining to agriculture. Another way this Department has of placing the results of its experiments and study before the producer in agriculture is by sending experts to attend farmers' conventions, and there teach the result of its labors and investigations. Wherefore, I conclude it wise and our duty to enact this bill into law, whereby we physically will be gainers. I trust that the majority of this Congress may look at the subject in the same light.

Union Station in the District of Columbia.

SPEECH
OF
HON. THETUS W. SIMS,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,
Monday, December 15, 1902.

The House being in Committee of the Whole on the state of the Union and having under consideration the bill (S. 4825) providing for a union station in the District of Columbia, and for other purposes—

Mr. SIMS said:

Mr. CHAIRMAN: If I was to make the same statement that we have just heard made by the gentleman from Missouri, it would add no additional enlightenment to the House. If he will excuse me, I will embody his speech in mine and appropriate it. [Laughter.] It is well remembered by the members of the House that I opposed the former bill substantially for the same reason stated by the gentleman from Missouri. I was especially opposed to appropriating 14 acres out of the Mall and forever destroying the original and permanent plan for beautifying Washington City, while the railroads, as we remember, paid nothing for the 14 acres or any part of it.

That legislation is now existing law, providing for the building of two depots instead of one. I think the present legislation is far preferable to existing legislation, and while if this was an original proposition I would hesitate to support it, yet I believe it is much better than existing legislation; that it is my duty to favor the enactment of the proposed law. First, we get rid of an obstruction to the improvement of Washington as originally laid out and planned; second, we get a union station instead of two stations; third, we get a union station of magnificent beauty and value—a great permanent improvement.

I must admit that there are some equities existing in favor of the railroads that would not apply in an ordinary city. This is a passenger station, and not a freight station; and we all know that such a station would never be required by the mere necessities of a railroad going into an ordinary city for commercial purposes. We are requiring them to spend a sum of money far beyond what would be necessary for commercial business. I was unwilling to vote for $3,000,000 in the Senate bill, but I did agree to support this bill if the appropriation was cut down $1,000,000. I have not agreed, however, to bind myself not to vote for any amendment that I think is in the direction of public good and in the interests of the station.

Instead of hunting up my remarks in the RECORD made in this body on bringing in the conference report agreeing to the bills providing for the two stations, and giving the Baltimore and Potomac Railroad Company more than 14 acres out of the Mall for a depot site, I will read a report of same as published by the Evening Star, a newspaper then and now published in this city, which shows the position I then occupied regarding this question, from which it will appear that I have experienced no change of heart:

I want to appeal to this House to undo so far as it can, or fail to consummate what has already been done with the intent only to reject this report, to the end that the bill may be so amended as to leave out the 14 acres of the Mall. I do not know whether sentiment cuts any figure in this House or not, but I think it ought to. This park was dedicated by those having authority to do so—by Washington himself—with the purpose that it should remain such forever, in its integrity, as a whole.

Now, I have failed to hear one single reason or argument, outside of the desire to remove grade crossings, why we should permit this permanent structure to be erected in this park. If there were no other means by which grade crossings could be removed except by erecting a depot of large proportions, covering 14 acres, with car sheds reaching into the very heart of this park, then there might be at least a utilitarian argument made in favor of it. But it is clearly feasible as an engineering proposition to locate the depot just south of the Mall, answering all the purposes of public convenience that it will to place it in the Mall. The people of the District of Columbia are opposed to having it in the Mall. The people of the United States are opposed to having it in the Mall. Who, then, is in favor of any such desecration of this almost sacred property for this utilitarian purpose? Can there be anybody favoring it except the railroad company? And why? Because it it is valuable land and desirable.

I admit that the directors of the railroad corporation are looking out for the interests of the company from a financial standpoint only. I am not asking them to exercise any sentiment or yield to such a feeling as that, and yet I am not ready to make any attacks upon them as a soulless corporation. The only purpose they can have is to put it to their own uses. Regardless of the large appropriations that have been made by this Congress the people of the United States will vote cheerfully and willingly, if necessary to do equity to this company, that we pay them in cold cash every dollar that this part of the Mall is worth. I know they would vote it. Now, then, what excuse is there to desecrate, demolish, and destroy it forever by permitting the railroad to enter into this park if the people are ready to give to this company every dollar in cold cash that it is worth to-day.

This is the only opportunity we will have, and I appeal to you. This park belongs to you, and not locally to the District of Columbia. It belongs to every citizen of the United States, and I presume that every citizen of the United States has sufficient patriotic sentiment to want to preserve it in its integrity. Who would listen, were it in our power, to a scheme to desecrate Mount Vernon by some utilitarian structure? Sentiment does cut a figure. It ought to, and whenever this free people cease to be moved by patriotic sentiment good-by to institutions which such sentiment has built up and maintained to the present hour. I have no personal reason on earth to ask you to reject this conference report, except that we may not now and forever undo what Washington did one hundred and ten years ago, and which all the Congresses since to this day have kept inviolate. I appeal to you to vote down this conference report out of no ill feeling to the railroad company, out of no disrespect to the judgment of those who differ with me, but in order that we may preserve and make more beautiful this magnificent city of Washington.

I will vote for an amendment to pay the railroad company every dollar which this land will be worth to them. Is not that sufficient? I would rather pay a reasonable tax for the balance of my life, if necessary, than to take out of the very heart of this beautiful city, out of this magnificent park, 14 acres and devote it to the most beautiful depot that ever could be built. What makes it beautiful? The object and purpose for which it was dedicated, for which it was created, and no structure, however beautiful architecturally, can ever take the place of the sentiment, the most hallowed patriotic sentiment which hangs around and over it.

You can build a utilitarian structure, if you want to, on the White Lot, in front of the White House, anywhere, upon the sole argument that is presented here, and that is that the corporation would like to have it and can use it in their business. I do not propose to do them any injustice. I would rather give them a bounty, a subsidy, a gratuity, anything that we can pay, to get rid of what has been done in this park. When this park is demolished it is demolished now and forever. I appeal to you to lay your hands on your hearts and think of what you are doing before it is forever too late. Let us reject this report and have the bill reformed, and give them as fine a depot as money will buy, and I am almost willing to vote all the money out of the Treasury to pay for it, although I do not think that is necessary or that there is any good argument for it; but I would do it rather than see this House do what no other Congress has ever done, and may God prevent any other Congress ever entertaining such a purpose.

Life and Character of the Late Hon. Reese C. De Graffenreid.

REMARKS
OF
HON. JOSEPH C. SIBLEY,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, that the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. SIBLEY said:

Mr. SPEAKER: I esteem it a privilege upon this occasion to join my colleagues in offering some tribute of esteem and affection to our departed friend. It was my pleasure to know him well and better to appreciate with the passing days those manly qualities which endeared him to us.

He was a man of great self-reliance, of rugged and robust character, yet withal tender and affectionate toward his friends. I believe he was always brave and always truthful. Though rarely taking the floor of this body to join in debate upon questions at issue, it always seemed to his friends that this arose through diffidence; certainly not through lack of ability.

Many of us were present upon one occasion when Mr. DE GRAFFENREID was called upon to respond to "The State of Texas." Mr. Speaker, for beauty of diction, for eloquence which arose almost to the heights of sublimity, for a grand tribute to the past, the present, and the future of this imperial Commonwealth, his words of praise for a bold and enlightened people sprang from his heart, leaped into flame upon his tongue, and carried all before him. I have never heard another such tribute paid to a Commonwealth and her people, and doubt if I ever shall.

Mr. Speaker, Texas is a great State. While she is no longer a lone star, she remains and will remain one of the brightest in our national galaxy. She has given and is giving men to this nation whose fame shall endure. She is producing statesmen who are held in honor in all sections of our country, men in whose fame we all have just pride. The career of our departed friend terminated too soon, perhaps, to achieve fame as a statesman, but among those of us who knew him his virtues will ever remain a pleasant memory. He has solved life's riddle and has joined that great majority whose ranks shall be further swelled by us in the future, more or less remote. Doubtless our friend had faults, and when our life's work shall be closed may our faults all be forgotten and the better side of our nature be held in as kindly remembrance by those who shall follow us as we hold to-day the memory and the virtues of Mr. DE GRAFFENREID.

The Trusts.

SPEECH

OF

HON. D. LINN GOOCH,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury disclosing their true financial condition and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. GOOCH said:

Mr. SPEAKER: Some years ago there lived down in the Blue-grass State, from which I come, a well-to-do farmer who was a great lover of dogs. He was likewise a hunter of small game—not such a grizzly-bear and mountain-lion hunter as our strenuous President—but a hunter who took more pride in his dogs than in the objects of their chase. He had all kinds of dogs. His dogs were comparable even to those of the town immortalized by Goldsmith:

> And in that town a dog was found,
> As many dogs there be:
> Both mongrel, puppy, whelp, and hound,
> And curs of low degree.

This great lover of the canine species was sent to the legislature, and immediately he was besieged upon all sides to father a dog law. He had never before fathered any law. He was a Republican in politics, and so he went to a Republican lawyer—one of the few in those parts—and asked the lawyer to draw up a dog law for him. Upon being asked the details of the desired law, he answered:

I want a good, all-around Republican dog law, one that will please my constituents and not interfere with the dogs.

I am fain to believe, Mr. Speaker, that the leaders of the Republican party, in concocting so-called trust legislation, have followed a similar line of policy to that followed by this Republican legislator. Their object has all along been to get up a trust law that would satisfy the tremendous clamor that has been reverberating throughout the land against these dangerous and unlawful combinations and that at the same time would not damage or embarrass them.

It is an old saying, and a true one, that "murder will out." It is fortunate for decent, peaceable citizens that it is so. It is also true, I believe, that political corruption and villainy will "out." At least, one great piece of political corruption and rascality has now been detected and exposed, though long ago suspected and virtually known by all intelligent men. I refer, Mr. Speaker, to the criminal connection of the Republican party leaders with the trusts.

The pitiful record of the present session in the work of "trust busting" might in itself be claimed as proving this point; but that would be only in the nature of "circumstantial evidence." But, fortunately, direct and positive evidence has now been afforded by the trusts themselves.

Mr. Rockefeller, Mr. Morgan, Mr. Cammack, Mr. Frick, Mr. Griscom, and other great moguls of the trusts, have come to Washington within the last week or two, or have sent their personal representatives here, to enforce their mandate that Congress and the Executive must drop this trust agitation at once.

It is too mild a term to say they are "exerting their influence;" they are saying to us and also to the President, not "please do thus and so," but "you must do thus and so."

Mr. Rockefeller telegraphs briefly, "This antitrust legislation must be stopped."

Mr. Morgan goes to the White House with the "big four" of the Senate and "sees" the President about it. And it is noticeable that on the next day the emasculated antitrust bills passes the Senate without a word of debate on the part of the Republicans. Also, that the House rushes through its legislation a day or two later without any suitable opportunity for debate or amendment. Also, that the legislation of the two Houses is different, thus involving a disagreement, a conference, and a compromise, or else a final disagreement and entire failure of legislation. In fact, it makes little difference, for the practical result in either case will be an entire failure of effective legislation; and that is precisely what the trusts want and what they have been after down here.

The whole course of the conspiracy of the trusts and the Republican party leaders has been laid bare, and, as in the case of "murder will out," it is fortunate for all respectable citizens that it has been. It was a secret, but is a secret no longer; it is now a cold fact.

If it had not been for Mr. Roosevelt, Mr. Speaker, there would have been no antitrust legislation this session. The other party leaders—the ones who run the Republican campaign committees, who select the candidates, collect funds, and dictate party policies—are opposed to any and all antitrust legislation.

The party leaders perceive that there is a popular unrest about the trusts, and of course they would "go through the motion" of hearkening to the people by putting a trust plank in the platforms and introducing and debating antitrust bills and afterwards pigeonholing them. But this is all they will do of their own accord, and they never would have passed any bills on the subject this session if the appeals of the Democratic party to the people and the demands of the people had not driven them to it.

In order to carry the last election they were forced to make glowing promises of what they were going to do in favor of the people and in opposition to the trusts. They are now endeavoring to fulfill these promises in the same way that the Kentucky farmer legislator endeavored to prepare his antidog law.

The programme for the session, as arranged by the party leaders and trust magnates in joint conclave, was very simple. Something had to appear to be done to appease the people. That "something," as finally arranged, was to introduce a few harmless little bills in both Houses, have them debated, have one or more of them, perhaps, passed by one House and debated in the other, and then finally have them fail in the other on account of "lack of time" and the "shortness of the session." The result of the President's interference where he was not wanted has been that both Houses have actually passed antitrust bills, although, as I have already said, they are not bills that will hurt the trusts.

The trusts and the Republican party leaders care nothing about the country at large. They care nothing for the common people. All they are after is the money, power to control legislation, and, if need be, to enslave the masses. They care not by what means they may secure this power.

The late Mr. Jay Gould once testified before an investigating committee that in a Republican district he was a Republican; in a Democratic district he was a Democrat; in a doubtful district he was doubtful; but in all districts he was an Erie man all the time.

That, Mr. Speaker, is substantially the position of the trust magnates and the Republican party leaders.

In the midst of all this political plotting, this mighty clash of wealthy and powerful influence, what hope is there for relief and help for the plain people of this country? Is there any chance for saving the old independence of the individual citizen from ruin and extinction? Must Lincoln's passionate prayer for the preservation of a Government of the people, for the people, by the people, be denied, after all? Has the nation been saved from the

consequences of foreign attack and intestine strife only to perish by the cancer of political corruption and plutocratic domination?

The only hope of the people is in the restoration of the Democratic party to power. The Republican party leaders are copartners of the trusts. But with the Democrats in power there would be a different story to tell. First of all, the Democrats should nominate for President some tried and true Democrat—not some Republican masquerading as a Democrat; not some friend of the trusts, but some genuine, trustworthy, popular Democrat who would command the public's entire confidence and draw out the full party vote. Such a nominee, I believe, would sweep the country in 1904; he would carry with him an overwhelming Democratic majority in this House. Then, and not until then, will the country be enabled to secure the enactment of measures which will reach the evils now playing havoc with the body politic.

Meanwhile the trusts reign supreme. Their managers and the Republican leaders meet in their luxurious mansions, form plans for continuing their power, and over their champagne laugh gleefully at the way they have hoodwinked the people with their cunning "antitrust" schemes. They put 95 per cent of the proceeds of the industries of the country into their own pockets and give the working men and women the other 5 per cent, and then say to them, "What are you grumbling about? Do you not see how 'prosperous' you are?"

Mr. Rockefeller gives a million dollars to his pet college, recoups himself by making twenty millions or so by putting up the price of oil when the people are perishing with cold, and then says to himself, "What do they mean at Washington? That I have to send a man down there to tell them that I say they must stop this antitrust tomfoolery."

Farmers and laboring people, do as you please; you have the power to do so; you have the ballot and are still a majority in the land. If you prefer to keep the Republican party in power you can do so, but never hereafter can you plead the excuse that you were ignorant of the consequences. The Republican leaders have exposed themselves this winter. Their identity with the trusts is now a proven fact. It rests with you to say, and with you only, whether you will voluntarily, with your eyes wide open, sign with your own hands the sentence dooming you to permanent industrial serfdom and slavery.

Mr. Speaker, I shall vote for this "milk and water" antitrust bill, not because it is in reality an effective measure, but because it is at least better than no antitrust legislation, and because this is the only opportunity that I will have under the present régime to cast a vote which has even the appearance of curbing the dangerous power of these gigantic corporations. I shall cast my vote for this bill, with the cherished hope that before long I shall have the pleasure, under a Democratic régime, of voting for a genuine, effective antitrust measure, which I know will curb the illicit power of these great combinations and bring much-needed relief to the farmers and the laborers and the great masses of the American people.

The Trusts and National Aid to Road Improvement.

SPEECH

OF

HON. WALTER P. BROWNLOW,

OF TENNESSEE.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. BROWNLOW said:

Mr. CHAIRMAN: Much has been said during the last few years in reference to the formation of trusts and the evil effects that spring from these great aggregations of capital. It is claimed that the tendency of all this is to make the rich richer and the poor poorer. No doubt there is an increasing difference from year to year in the positions of different individuals and classes in the social fabric. But it occurs to me that this results partly from an unintentional discrimination in the distribution of the great revenues of the Government of the United States, so that those living in great cities and having command of the great trusts and consolidated wealth of the nation receive substantially 90 per cent of the great appropriations made from year to year by Congress, while only 10 per cent is appropriated for the direct benefit of those living in the agricultural States and rural districts, notwithstanding the fact that at least one-half of the great revenues of the Government, aggregating about $700,000,000 a year, is contributed by these very people who live in the country districts. Most of the Representatives in this body are either from the rural districts or express a solicitude for the welfare of the rural population, but the variation between their expressions of friendship and favor for these rural communities and the practice in appropriating money by acts of Congress suggests that the "voice is Jacob's voice, but the hands are the hands of Esau."

There is a serious question whether this body, with its all but omnipotent power, can successfully interfere with the consolidated interests and vested rights of the great trusts and corporations; but there can be no doubt that they can correct many inequalities that have crept into our practice in making appropriations of the public money for public purposes.

This I am endeavoring to do by House bill No. 15369, introduced by me on the first day of the present session of Congress, which seeks to establish a policy to be pursued by the United States Government in reference to the permanent improvement of the public highways of the country. Some will say that such improvement is outside the jurisdiction of the General Government; but the Constitution was ordained and established (among other things) to "promote the general welfare," and Congress is especially authorized to "establish post-offices and post-roads."

Few things will contribute more in a time of peace and industrial prosperity to the general welfare than the permanent improvement of the public roads; and there never was a time when Congress could so appropriately exercise its power to establish post roads as at present, when, to use the language of the President's message, "rural free-delivery service is no longer in the experimental stage; it has become a fixed policy. The results following its introduction have fully justified the Congress in the large appropriations made for its establishment and extension." Every such rural free-delivery route is a post-road.

A CHAPTER OF EARLY HISTORY.

It is well known that the Congress of the United States during the early history of the Republic appropriated large sums of money to build and maintain a system of national roads, the most famous one of which is known as the "Old Cumberland road," and, by reason of its preeminence, the "Old National road." This road was started in the year 1811 at Cumberland, Md., and continued almost due west in practically a straight line through Maryland, Pennsylvania, Ohio, Indiana, and Illinois to St. Louis, and is said to be the longest straight road ever built by any government in the world. Though never fully completed on the western extremity, it was substantially 700 miles long, and it cost about $7,000,000, or practically $10,000 a mile.

The subsequent abandonment of the policy of the United States Government, as expressed and carried out in this great road, has led many persons to suppose that the entire question of road building, or substantial aid thereto, so far as the United States Government is concerned, had been settled and disposed of for all time; but a careful examination of the controversy, which ended in the abandonment of the former policy of the United States, will show that it turned more upon the question of jurisdiction pertaining to the control of the road by the United States Government, or by the various State governments through whose territory the road passed, than upon the right of Congress to make appropriations to build such roads. Most of the trouble resulted from the attempt to collect toll for the use of the road, and not on account of appropriations of money from the United States Government to build it. The objection was not made to a free road, but to a toll road. The infringement of the rules for collecting toll subjected the citizens of the various States to the pains and penalties of violating a United States law and of being arrested by United States officials.

The following paragraph bearing upon this question is quoted from The Old National Road—A Chapter of American Expansion, by Archer Butler Hulbert:

> But the road was hardly completed when a specter of constitutional cavil arose, threatening its existence. In 1822, a bill was passed by Congress looking toward the preservation and repair of the newly built road. It should be stated that the roadbed, though completed in one sense, was not in a condition to be used extensively unless continually repaired. In many places only a single layer of broken stone had been laid, and, with the volume of traffic which was daily passing over it, the road did not promise to remain in good condition. In order to secure funds for the constant repairs necessary, this bill ordered the establishment of turnpikes with gates and tolls. The bill was immediately vetoed by President Monroe on the ground that Congress, according to his interpretation of the Constitution, did not have the power to pass such a sweeping measure of internal improvement.
>
> The President based his conclusions upon the following grounds, stated in a special message to Congress dated May 4, 1822:
>
> "A power to establish turnpikes with gates and tolls and to enforce the collection of the tolls by penalty implies a power to adopt and execute a complete system of internal improvements. A right to impose duties, to be paid by all persons passing a certain road and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor on a valuation and to pass laws for the protection of the road from injuries, and if it exists as to one road it exists as to any other and to as many roads as Congress may think proper to establish—a right to legislate for others. It is a

complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations (under which power, with the consent of the States through which the road passes, the work was originally commenced and has been so far executed)."

The original policy of the United States Government, by which it appropriated all the money required to build a great road, was followed by the other extreme of appropriating nothing either to build or maintain or to contribute in any way to the betterment of the common highways of the country. This latter policy has continued for practically two generations, and the result is that there has been very little improvement in our public roads. While the nation has made more progress than any other nation in the world during that time, it is a remarkable fact that it is behind all other civilized nations in reference to the improvement of its highways. It seems that by the former policy the Government did too much, and by the latter policy it does too little. There should be a middle ground between these two extremes, which would conform to the composite nature of our Government and have a tendency to distribute more equitably its burdens and benefits.

MAIN FEATURES OF THE PROPOSED BILL.

A reference to the present bill will show that it does not seek to reestablish the original policy requiring the United States Government to appropriate the total amount of money necessary to improve any given highway, but that it only provides that the Government shall contribute one-half of its cost, when the road is built, in cooperation with "any State or civil subdivision thereof." The following sections are quoted from the bill:

SEC. 5. That any State, or political subdivision thereof, through its proper officers having jurisdiction of the public roads, may apply to the director of the bureau of public roads for cooperation in the actual construction of a permanent improvement of any public highway within the said State in the following manner: Every application for the cooperation herein provided for shall be accompanied by a properly certified resolution stating that the public interest demands the improvement of the highway described therein, but such description shall not include any portion of a highway within the boundaries of any city or incorporated village.

SEC. 6. That the director of said bureau, upon receipt of any such application, shall investigate and determine whether the highway or section thereof sought to be improved is of sufficient public importance to come within the purposes of this act, taking into account the use, location, and value of such highway or section thereof for the purposes of common traffic and travel, and for the rural free delivery of mail by the United States Government, and after such investigation shall certify his approval of such application. If he shall disapprove such application, he shall certify his reasons therefor to the public officer or officers making the application.

SEC. 7. That if the director of said bureau shall approve such application, he shall cause the highway or section thereof therein described to be mapped, both in outline and profile. He shall indicate how much of such highway or section thereof may be improved by deviation from the existing lines whenever it shall be deemed of advantage to obtain a shorter or more direct road without lessening its usefulness, or wherever such deviation is of advantage by reason of lessened gradients. He shall also cause plans and specifications of such highway or section thereof to be made of telford, macadam, or gravel roadway, or other suitable construction, taking into consideration climate, soil, and material to be had in the vicinity thereof, and the extent and nature of the traffic likely to be upon the highway, specifying in his judgment the kind of road a wise economy demands.

It is important to notice that in case any State should fail to avail itself of the privileges granted in this bill any civil subdivision of the State could take advantage of it. Some of the States have provided political machinery whereby they can take charge of and direct the work of road making; others have not, but there is no State that has not some civil subdivisions in it that are provided with the proper political machinery for putting this work into operation, and they may thereby avail themselves of all the benefits provided for in the bill. In order that no State may receive an undue advantage in the distribution of this fund by reason of priority of application or greater ability to furnish its portion of the cost, it is provided in section 13:

That no State shall receive in aid of road construction, out of any money appropriated for that purpose, according to the provisions of this act, a greater proportion of the total amount appropriated than its population bears to the total population of the United States.

The change in the policy of the United States Government, as indicated above, has been adopted by all of the States in the Union that originally built State roads or gave substantial aid in maintaining them. Many of the older States followed concurrently the original policy of the United States in building and maintaining State roads within their limits, as the United States Government built and maintained the national-road system connecting State with State. But all these various States abandoned that policy and followed the example set by the General Government of withdrawing their support from the movement, and the result has been that the entire cost of building good roads in the United States during the last two generations has fallen upon the counties or the townships or the districts in the immediate locality of the road improved. The entire burden of road construction has therefore been thrown upon the people and property of the rural districts, which has proven to be too heavy a burden for most of them to bear. The consequence is that it has been dropped to a great extent, and the roads remain unimproved.

It was perhaps not unnatural, when the great mass of all the people in the United States lived in the rural districts, to require each community to make such improvement as it chose of its own public roads; but at the present time a very large proportion of the population and a much larger proportion of the wealth is concentrated in large cities, and, according to the generally prevailing method, they do not contribute anything to the improvement of the highways. It is therefore desirable that some new method should be introduced whereby all the people shall contribute to the improvement of all the roads. This is not only desirable but it is just and equitable, because the public highways belong to all the people, and their improvement is beneficial to those living in the great cities as well as to those living in rural districts. This is especially true when we consider the newly invented vehicles that are now in common use upon the highways—that is to say, the bicycle, the automobile, and the suburban street car.

THE STATE-AID PLAN.

Within the past few years several progressive States have inaugurated a new method of cooperation different from that prevailing at any time before in this country, either according to the policy of the General Government or the government of any of the States. The beneficial results that spring from such a cooperative method of building permanent highways have been well illustrated by the States of New Jersey, Massachusetts, and New York. In each of these States a general road fund is provided by taxing all the property in the entire State, both city and country.

The fund so raised is contributed to very largely by those who, under the heretofore prevailing plan, would not pay anything for such purposes. In the State of New York nearly 90 per cent of the State tax, and consequently of the road fund, is paid by people living in great cities and by the corporations of the State, so that only about 10 per cent of the State road fund is paid by the owners of property in the rural districts, although by a provision of the law one-half of the cost of each and every improved highway is paid for out of this general fund, the remaining half being paid by the counties, 15 per cent of which may be taxed against the property abutting upon the improved road. In the twelfth section of the bill is a proviso that—

Nothing herein shall be construed to prevent any State or political subdivision thereof from distributing the said one-half so that the State may bear a portion, the county a portion, and the owners abutting on the said road another portion.

NATIONAL AID PROPOSED.

The bill under consideration seeks to extend the principles of cooperation to a still greater extent, and to bring in the United States Government as a cooperative factor to contribute its quota out of a fund that is still more general than any State fund could be, and to which all the people contribute more or less. If it is wise and equitable and beneficial for the State of New York to raise a general fund, out of which a portion of the cost of constructing the highways is to be paid, it would seem to be just as equitable and beneficial for the United States Government, having already raised the general fund, to contribute a portion toward the cost of constructing permanent highways in each and every State. Appropriations made by Congress for the river and harbor bills aggregate in the whole something over $440,000,000, and the last annual river and harbor bill appropriated an amount nearly equal to $1 per capita for all the people of the United States for the single purpose of cheapening transportation over water by deepening the water in the rivers and harbors, whereas the entire appropriation annually by any State for all State purposes seldom exceeds $1 per capita, and is generally less. If it is good policy to appropriate so liberally in the river and harbor bill, which no one seems to doubt, it may be just as good policy to contribute with equal liberality to cheapening transportation over land, and especially when it is considered that for every dollar contributed by the United States at least an equal amount must be contributed by the various States and subdivisions to supplement that fund, which is not the case in the river and harbor bill.

Another reason for this course will be found in the fact that nearly all great appropriations made by the United States Government are expended in or near great cities, while but little, and generally nothing, is expended in the rural districts to directly benefit the inhabitants thereof. The great river and harbor improvements and the great public buildings are found mostly in the great cities, and illustrate the general rule.

NECESSITY FOR COOPERATION.

It seems more apparent, as time goes by, that a general plan of cooperation will have to be resorted to in order to distribute the burden of taxation necessary to improve the public highways as they should be improved. So long as we pursue the original method of taxation the entire burden of cost for highway improvement falls upon the owners of agricultural lands and the persons living in the rural districts. When the great mass of people lived in the rural districts this was a just and equitable distribution of

taxes for such purposes, but with the changed conditions of the present day, when one-half of the people live in cities, and much more than one-half of the wealth is concentrated in these cities and in the corporations that are so powerful at the present time, it is absolutely necessary that some means should be devised whereby the great revenues requisite for the great improvement that is called for should be derived from all of the people and resources of the country as nearly as possible, and not rest, as heretofore, upon the meager few that are comparatively impoverished by the decline in prices of agricultural lands and products that has been manifested during the last twenty years.

The impossibility of proceeding extensively without some such readjustment of the burden of cost is demonstrated by every observation, whereas the possibility of proceeding where they have heretofore failed is shown by the recent course of events in the State of New York. For a period of practically two hundred years they had never built any permanent roads in the entire State, and when I was in Buffalo last year I learned that in Erie County, of which Buffalo is the county seat, they had never had a good road outside of the corporate limits of the city of Buffalo until within the last six years. I was told also by Mr. Samuel Spencer, the president of the Southern Railway Company, who has lived for many years past in New York City, that no longer than six or eight years ago as soon as you had passed the city limits in the northern portion of New York City you would come to impassable roads. I am calling attention to these facts to show that in the Empire State, and near such great and growing cities as New York and Buffalo, they were not able to carry on any substantial improvement of the roads, because of the difficulty of raising the revenue so long as it rested entirely upon the adjacent property or the persons living in the rural districts; but under the new law we find that the great corporations and the great concentrated wealth of the cities are pouring a fund into the State treasury, out of which they draw one-half of the cost of building the country road, and that with this fund they are making more progress in the last two years than they had made before in two hundred years.

I feel certain that my bill will be passed at some future time, possibly not at this short session of Congress, and perhaps not in its present form, but in some amended form that will provide for a more extensive plan of cooperation between the United States and the various States and subdivisions thereof than has ever been undertaken before.

It is well to encourage the supporters of road improvement in the reasonable expectation that if they take a forward step they will be aided and assisted by the general plan that is outlined in this bill. I remember that one gentleman in making a speech, I believe at Fargo, N. Dak., said that if you would give the ordinary individual 50 cents, he would do $5 worth of work to get it. This proposition is well illustrated in the object-lesson work conducted by the office of public road inquiries, for it is literally true that every dollar expended by that office in such work has been supplemented by $10 contributed by those getting the benefit of the small expenditure made by the United States Government. My bill does better than that; it gives a dollar if you do a dollar's worth of work to get it.

NOTHING NEW IN PRINCIPLE.

The idea of the National Government taking an active part in the construction of the highways, so popular three-quarters of a century ago, has for several decades been considered obsolete. But the interest manifested in my bill, which provides for national aid to road building, shows that this idea is very much alive. Indeed, the popular interest in the subject is a source of surprise to those who have not been giving the matter attention. And this interest is by no means a sudden development; it has been growing steadily for a number of years.

It is now ten years since the popular demand that the Government do something led to the establishment of an Office of Public Road Inquiries in the United States Department of Agriculture. The work of this Office was intended to be purely educational in character. It was to collect and disseminate practical information concerning the roads of the country and means and methods for their improvement. The first work of this Office was to prepare and publish a large number of bulletins and circulars treating on the various phases of road building and improvement. This work occupied several years, and it was well done. If the roads in most parts of the country remain bad, it is not for the want of information as to how they may be improved in the best and most economical manner, for Uncle Sam's good roads' Office is a veritable "information bureau" on the subject.

But the work of this Office did not stop here. The educational idea was carried further, and during the past three years the object-lesson feature has assumed greater importance. The idea as carried out is very simple. When the people of some progressive community or the authorities of some educational institution want a piece of road built to illustrate the benefits of good roads and the methods of building them, application is made to the Department of Agriculture, and, whenever possible, a Government expert is sent to supervise the work. Recently a number of prominent and progressive railroad men have been giving the road question some study, and have come to the conclusion that the improvement of the roads in the territory tributary to their lines would materially increase their business. So popular has this idea become that the officials of some of the leading railways have come forward with offers to cooperate with the Government in the object-lesson work. Another voluntary factor in this cooperative work is the manufacturers of road-building devices who desire to bring their machinery to the attention of the public. In this cooperative work the Government furnished the experts, the manufacturers the machinery, and the railroads the transportation.

This idea has proven extremely popular. Object-lesson roads have been built under Government supervision in 22 States, and so great has been the demand for national aid of this kind that a large number of applications have to be refused every year because the funds appropriated by Congress are insufficient to employ and pay the expenses of enough experts to do the work. Already Congress has three times increased the appropriations for this work, but the $30,000 now appropriated annually proves wholly inadequate to meet the demands for this educational work.

It should be borne in mind that all work of this kind done by the Government is in the nature of national aid. There is therefore nothing new in principle in my bill providing for national aid of a more extensive and substantial character. It is proposed that the Government shall no longer confine its assistance to educational work; that it shall furnish not only information and supervision, but financial assistance. Under certain limitations the National Government will cooperate with States and counties in the improvement of the common roads, each assuming a certain proportion of the expense.

If this educational work done by the Government in recent years has done so much to encourage and stimulate road improvement, what may we not expect from this great extension of the principle of national aid? It is sometimes urged as an objection to national aid that it will cause the people to relax their efforts at road improvement, and to depend on the General Government to do the work for them. Is it not likely to produce exactly the opposite result? The large fund which Congress will appropriate for this work will be divided among the States in proportion to population. But no State can secure its share except by complying with the conditions prescribed, the chief of which is that it shall raise a like sum for the same purpose. Instead of discouraging State effort this should greatly stimulate it. Again, if a State takes no action looking to the acceptance of the Government's proffered help the individual counties may do so, and this again will create a rivalry among the counties in their efforts to secure a part of the national fund due the State.

The scheme is far-reaching in its possibilities for economic development. Time and intelligence will be required to work out the details of its application, but there appears to be no serious obstacle, either practical or constitutional, in the way of its realization.

THE DUTY OF THE GOVERNMENT.

The fact that the United States Government has taken no substantial part in building or maintaining public highways in this country for the last two generations is accepted by many people as final proof that the General Government is forbidden, either by constitutional limitations or by sound public policy, from engaging in any such internal improvement. On the other hand, it should be noted that no system of public highways was ever built up or maintained in any country without the substantial aid of the general government of that country. The almost universal lack of improvement in regard to our public-road system is directly referable to the fact that there has been no well-established system or policy pertaining to the question. Those who have done most to agitate for permanent improvements have found that the farmers of the country have almost invariably been opposed to any general plan heretofore suggested for the building up of permanent and durable roads, although it is generally conceded that the farmers would be benefited as much, if not more, than any other class of people by such roads.

The real reason for the farmer's objection is found in the fact that, according to the ordinary scheme of improvement, he would be called upon to pay the entire burden of cost, which he intuitively feels to be greater than he ought to bear, if not greater than he is able to bear. Considering this long-continued opposition by the people in the rural districts, and the lack of policy on

the part of the General Government, and especially considering that road building is undoubtedly a public duty which rests upon the Government in some form, it seems that the farmers are entitled to some assistance in bearing the necessary burden of cost to improve the public highways, and that the United States Government should step forward with some definite policy and assume some share of the burden and responsibility which is necessary to produce a creditable system of public highways, and which has, as already stated, never been effected in any country at any time without the substantial aid and encouragement of the general government of the country. In this connection I quote Mr. Henry I. Budd, State road commissioner of New Jersey, who says:

In no way can our Government add so rapidly to the prosperity of the nation as by contributing of its surplus to the macadamizing of the highways of the settled portions of the country, and thus enable the present generation to save millions in transportation and also make the sections already partly settled so desirable that the inhabitants will not wish to leave them. There is not much hope of general road improvement in the country until the National Government, as in ancient Rome and modern France, becomes their foster father.

My bill seeks to establish such a policy to be followed by the United States. It is a policy of cooperation, and seeks to bring in the General Government as a cooperating factor to work in connection with any State or civil subdivision thereof, so that the United States should furnish one-half the cost of improvement and the State or civil subdivision thereof, cooperating, should furnish the other half.

FREE RURAL DELIVERY.

The Constitution of the United States puts no such limitation upon the Government as to prevent the cooperation provided for in this bill, and, so far as public policy is concerned, that remains to be settled by the consensus of opinion of the people of the United States. It was not considered good public policy until very recently to undertake to deliver the United States mail to the people living in the rural districts, but it has been found upon trial to be very useful, very economical, and very beneficial to those living in the rural districts; and yet for forty or fifty years the people in cities have been favored by having their mail delivered at their doors, while people living in the rural districts have been discriminated against because we had not discovered until lately that it is good public policy to deliver mail alike to people in the country and in the city. One is almost as easily obtainable as the other. There is no reason why the mail could not have been delivered to the people living in the rural districts forty years ago as well as at the present time. As a matter of fact, the roads were as good then, for the most part, as they are now, and the population in very many of the older States was less sparse in the rural districts at that time than at the present time. Now that the people are manifesting their desires to have the mail delivered in the country, and have demonstrated that it is possible, their Representatives in Congress are eager to appropriate almost any sum of money to bring about this result, the appropriations having been increased by the present Congress from $7,500,000 to $12,600,000.

What we have seen and are seeing in the development of rural free-mail delivery is likely to be repeated in the matter of making permanent improvements to the highways. Once let it be understood that the desired result can be accomplished through a system of cooperation, aided, fostered, and encouraged by the General Government, and then let the people of the country express themselves in favor of the plan and you will find that Congress and the Constitution will not be against but for it. What members of Congress want is an expression from their constituency, showing what is desired in the several districts. There are many rural districts that have no great rivers or great harbors or great cities which entitle them to public buildings, but there is no district without many miles of public roads that need to be permanently improved. Let the people ask for it and they will receive the assistance which they desire and deserve.

It is a remarkable fact that the United States Government has already appropriated a million dollars to Porto Rico for road building and another million to the Philippine Islands; and the Secretary of War has just made an appeal to Congress through the President of the United States, who strongly indorses that appeal, to have $3,000,000 appropriated for the use of the Philippine government. I submit the following quotation from Secretary Root's letter:

Previous experiences indicate that such an appropriation could be made the most useful by giving the Philippine government discretion to apply it in such proportions as they deem wise in the direct purchase and distribution or sale of supplies, or through the employment of labor in the construction of Government wagon roads.

CONSTITUTIONALITY OF NATIONAL AID.

So far as the constitutional phase of the question is concerned, I have been surprised and pleased to find the highest Democratic authority supporting the constitutionality of the bill. The Washington Post in an editorial says:

The Brownlow road-building scheme is dangerous in that it would probably be declared constitutional. As all roads are or could be made post-roads, it is presumable that the National Government could, if so inclined, expend millions or billions on them.

But the best and most complete argument upon this question, also from the Democratic side, was made by Hon. THEODORE F. KLUTTZ, a distinguished member of Congress from North Carolina, who said, touching the question of appropriating money for the Office of Public Road Inquiries, when that bill was under consideration last year:

The General Government, under the direction of our present admirable and progressive Secretary of Agriculture, has done and is doing much, through the Bureau of Public Road Inquiries, to intelligently arouse and direct public attention upon this great question. I believe, however, that the time is ripe for greater things. I believe that the General Government should go farther, and, either by direct appropriation to or cooperation with the States of the Union, inaugurate and push forward a great system of road building throughout the country.

The constitutional argument troubles me little. The Constitution is all right for rivers, creeks, harbors, canals, and public buildings, but all wrong, say gentlemen, for public roads.

In round numbers, as I am informed, about $500,000,000 have been expended by this country for the improvement of rivers and harbors, and at this session the Congress will in all probability appropriate something like seventy millions more for the same purpose. That much of this good money has been and will be wasted, so far as permanent improvement is concerned, goes without saying.

Insignificant creeks and rivers in unknown and uncommercial localities share, perhaps more than equally, with great and meritorious rivers and harbors. Under the present system it perhaps must needs be so, for the "pork" must be so distributed as to secure the passage of the bill, and States which are not represented on the great Committee on Rivers and Harbors, or which by failure of reciprocal representation on other great committees of the House have nothing to trade, fare but poorly in the distribution. My own good State of North Carolina is thus a sufferer.

My purpose now, however, is not to complain of the amounts appropriated for rivers and harbors. An enlightened public policy demands and sanctions such appropriations, and the abuses are the fault of our legislative system.

Time was when such appropriations were denounced, fulminated against, and vetoed. The strict letter of the Constitution was invoked by Madison, Monroe, Jackson, Polk, and Pierce in sounding rhetoric against such a supposedly unwarranted use of the Federal funds.

The question of the express, implied, and incidental powers of the General Government and of the reserved rights of the States will be found learnedly discussed in the veto messages of all these venerated Presidents, and always resolved against the rightfulness of appropriations for internal improvements, rivers, harbors, canals, and public highways being always joined in the same condemnation. The very first of these, the veto message of President Monroe, dated March 3, 1817, says:

Having considered the bill this day presented to me, entitled "An act to set apart and pledge certain funds for internal improvements," and which sets apart and pledges certain funds for "constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce, and to render more easy and less expensive the means and provisions for the common defense, I am constrained by the insuperable difficulty I feel reconciling the bill with the Constitution of the United States to return it with that objection to the House in which it originated."

No distinction appears here, and the veto applies equally to rivers and harbors, to roads and canals. It is worthy of note, too, that this veto message was sustained only by a vote of 56 against 60 in this early Congress of the fathers of the Republic.

Next comes the message of President Monroe vetoing the act for the preservation and repair of the Cumberland road, dated May 4, 1822, accompanied by a lengthy and learned paper of many pages, the conclusion of the whole being that Congress has no constitutional power to make appropriations for any internal improvements.

Here, again, it is noticeable that this veto was also sustained only by a vote of 72 against 68. Following, next comes the message of President Jackson, dated May 27, 1830, vetoing the Maysville turnpike bill, which equally reprobates appropriations for roads and canals and which was sustained by the narrow margin of 96 to 92. Again, on December 6, 1832, President Jackson gives at length his reasons for withholding his signature from "An act for the improvement of certain harbors and the navigation of certain rivers," affirming his veto message of the Maysville road bill.

President Tyler, on June 11, 1844, vetoed an act making appropriations for the improvement of certain rivers and harbors, giving substantially the same constitutional objections to such legislation, and his veto was only sustained by a minority vote of 91 against 97.

Again, on December 15, 1847, Mr. Polk, in an elaborate message, vetoed a bill for certain internal improvements in Wisconsin, which was presented to Congress too late for reversal.

President Pierce, on August 4, 1854, vetoed a bill for the repair, preservation, etc., of certain public parks, and was only sustained by a minority vote—80 against 95.

Then followed thick and fast similar veto messages from Mr. Pierce. May 19, 1856, he vetoed a bill to remove obstructions to navigation in the mouth of the Mississippi; May 19, 1856, he vetoed the bill for deepening the channel over the St. Clair flats, in the State of Michigan; May 22, 1856, he vetoed a bill for deepening the channel over the St. Marys flats, in the same State; on August 11, 1856, one for the improvement of the Des Moines Rapids, and on August 14, 1856, one for improving the Patapsco River at Baltimore, all of which bills were passed over his veto.

President Buchanan, on February 1, 1860, gave his reasons for withholding his signature from the St. Clair flats bill, and on February 6, 1860, for refusing to sign the bill for removing obstructions from the mouth of the Mississippi. Both these bills had passed the preceding session of Congress, so his veto messages were too late for action and were simply ordered printed and laid on the table.

President Arthur vetoed a river and harbor bill August 1, 1882, and it was promptly passed over his veto. Since that time the constitutional argument seems to have settled in favor of rivers and harbors, but, by a sort of acquiescence, against public roads and highways, though the argument and condemnation of all the veto messages was equally against both.

A study of these veto messages and the legislation which evoked them shows conclusively that, while the Presidential conscience has been opposed to appropriations for internal improvements, the legislative conscience has

always been in favor of them. This policy, then, being settled by executive, legislative, and judicial authority in favor of river and harbor improvement, what reason remains for objection to Federal appropriations for highways and post-roads? What constitutional objection can be urged against them which does not lie equally against the other? The need is certainly at least as great, and the time for action, it seems to me, has come.

If it is constitutional to make appropriations for the improvement of rivers and harbors, it is equally constitutional to do so for post-roads and public highways, for these are equally highways of commerce. Public roads are the great arteries of commerce which reach out into the country, gathering up and bringing to the rivers, the canals, the harbors of the cities, as well as to the railroads, the very primary elements and constituents of commerce.

I said, Mr. Chairman, that the constitutional argument does not trouble me. Surely the Constitution is a wonderful instrument. I have the very profoundest respect for it as the most masterly production to be found in political history. It is somewhat remarkable, however, sir, that its provisions can be, and are, invoked for or against any particular legislation as interest or prejudice may dictate.

However, sir, if gentlemen consider the constitutional objection to appropriations for public highways insuperable, what can be their objection to a division of the groaning surplus to the States for this purpose? Surely this is constitutional and democratic. The surplus was distributed among the States under Jackson, and all that would need to be added to this precedent would be the limitation that each State's dividend should be expended solely for public roads.

I am wedded to no particular plan. I do not want the General Government itself to go into the business of road building except for educational and object-lesson purposes. I want none of the rights or duties of the several States invaded. I believe, however, that the General Government constitutionally can, and that it ought to, aid and supplement the work of the people of all the States in this important matter.

I believe that every dollar so expended would be returned tenfold in the enhancement of farm values, in the better and more economical distribution of the mails, in preventing the hegira of our rural population to the already congested cities and towns, in encouraging a reverse flow from city and town to the pure air, fertile fields, and moral surroundings of the farm, and in the increased happiness, loyalty, and gratitude of all the people.

I note also that Gen. M. C. Butler, for eighteen years a Senator of the United States from South Carolina, has lately made a speech at a good-roads convention held at Raleigh, N. C., in which he advocates Federal aid, not according to the original principle by which the United States paid all the cost, but according to the provisions of this bill by which it only pays a contributory share, when requested so to do by any State or civil division thereof.

He says:

The people in the rural districts in the South—and I believe it is so in the North, both East and West—are not able to raise the amount of money necessary to improve the highways. During a long career in public life I have always found that the people do not object to liberal appropriations of the public funds, but they do object to having those public funds misspent or squandered or stolen. Now, gentlemen, the people in the rural districts can not stand the taxation, and they are the people who are directly interested. The people in the cities and the towns have facilities for raising money, issuing bonds, etc., that we people in the country have not; they can stand taxation better than we can. While, as I stated, we could have done very much more than we have done, it is a fact that the country people are not able to carry the whole burden of taxation. I submit that a reasonable sum should be appropriated out of the State treasuries annually. As the public roads are the property of all, and for the use of all, so should the costs be shared by all. Each State should make an appropriation and—as they do in the States of New Jersey and New York—say to any county in the State: "Here is $100,000 in the State treasury. Now, you raise $5,000 or $3,000 or $1,000 in any method you choose and we will duplicate that money from the State treasury." Or you might carry out the same idea in connection with the townships. That would be a beginning.

The next step I would take—and I state this on my own individual responsibility and as my own individual thought and nobody else's—I would go to the Federal Government, which has appropriated $439,000,000 for the improvement of rivers and harbors, although the people do not all get uniform benefit from those appropriations. It is a remarkable fact that, of the $439,000,000 appropriated in three-quarters of a century, there are only two instances where the money has been misapplied by the United States engineers—one of recent date in Savannah, for which the poor creature is now suffering the penalty of his crime, and the other out on the Pacific coast some years ago. Possibly some of the appropriations may have been unwise. I do not suppose any enlightened man in this country will object to the appropriation for the improvement of rivers and harbors. Another appropriation is for this very school of young boys that you are educating. The Government has appropriated $20,000,000 for experiment stations and agricultural colleges, and when the discussion was on they wanted to know under what provision of the United States Constitution it was made. That question was asked in the olden days, and I had an ancestor in the United States Senate who refused to vote a dollar for the improvement of Charleston harbor; but almost the first act of my official life was to get an appropriation of $250,000 for that purpose. There is as ample constitutional warrant for the improvement of the public roads out of the United States Treasury as large as there is for the improvement of rivers and harbors or for the support of the agricultural colleges. It is an appropriation from which we would all get benefit and to which we would all contribute a share. The Constitution of the United States confers upon Congress the right to establish post-offices and post-roads.

Every highway is a post route if the Government chooses to use it. Even in the days of John C. Calhoun he recommended the distribution of the surplus among the several States, and it was done. I think, gentlemen, the best thing for us to do is to go to our Representatives and Senators in Congress and say to them "The great demand of modern times is the improvement of public highways, and the Federal Government should contribute." When that proposition is made, the reply will be that when the Federal Government comes to the aid of the counties and States the people will fold their arms and do nothing. But that can be obviated just as this appropriation for the agricultural colleges is. That appropriation is made with a condition that the States must help before they get the benefit. Why could not this be done in an appropriation for public highways? I know it will be said that the moment the Government interferes the States will cease to make any effort. Now, I am an advocate of self-help; I believe that self-help is the best kind of help; yet I have seen in my experience hundreds of men and boys and enterprises stagnated and defeated because of the want of a little help from the outside. We are in that condition in regard to roads in the South to-day; and it is not confined to the South.

The road system of no civilized country has ever been made perfect without government aid. This country did once spend many millions of dollars on the road from Cumberland, Md., to Wheeling, W. Va. I do not say the United States Government shall come and build the roads, but that they shall appropriate from the public Treasury, to which we all contribute, a certain amount every year to be divided out among the several States conditionally; and it will take all the money the United States Government can appropriate, and all that we can raise by local taxation or issuing bonds, or whatever method we may choose. It is going to take a long time. The young men are coming on, and it is to the future that I am looking.

EXCESSIVE COST OF TRANSPORTATION OVER PUBLIC HIGHWAYS.

It is a remarkable fact that the cost of transporting farm products over country roads is almost as great as it has been at any time during the last two generations. On the other hand, the cost of transportation over the railroads and over the deep waters has been diminished, so that we can ship produce very many times farther by this means than we could a few years ago. In other words, where we have substituted inanimate power for animal power there has been great progress, but there has been no great reduction in the cost of transportation by animal power over the common roads.

The report of the Ohio road commission of 1893 was the first official document ever published in this or any other country calling attention to the slight progress made in reducing cost of transportation by animal power as compared with the progress made in every other field of development, and stating that the average cost per ton per mile is 25 cents under the prevailing system by animal power.

This figure was arrived at by data gathered from the long hauls in Mexico and in the United States from the Missouri River across the plains to the Pacific coast; and short hauls in various counties of Ohio from 5 to 8 miles, upon such material as lumber, wood, and timber, and the agricultural products from the place of production to the railroad stations; and the still shorter hauls in large cities from boat landings and railroad terminals, from 1 to 5 miles, especially upon coal, lumber, stone, brick, and heavy building materials. In Mexico for hundreds of years their only means of transportation was that of animal power; and their cheapest rate between the city of Vera Cruz at the seacoast and the City of Mexico, a distance of 272 miles, was 26 cents per ton per mile. It is a remarkable fact that during the period of nearly four hundred years they were not able to reduce this rate of transportation below 26 cents per ton per mile, and it is a more remarkable fact that in our own country and in our own time, with all the improvements that we have made touching the means of production and the means of transportation for long distances, we have done but little better than our less enterprising neighbors in so far as transportation on the common roads is concerned.

The correctness of these figures upon the excessive cost of transportation by animal power has been challenged, but never successfully, and it affords me great pleasure to be able to present to you to-day a confirmation of these figures from the highest authority. About the same time that the official report of the Ohio road commission was made and published, in 1893, the Government of the United States, in pursuance to a law passed by Congress in March of that year, appointed Gen. Roy Stone as a special agent to gather data and report in reference to any and all matters pertaining to the cost of building roads and the cost of transportation over them. General Stone, in circular No. 19, states that after two years of investigation of this subject, with the aid of the Division of Statistics of the Department of Agriculture, reports have been gathered from 1,200 counties, giving the average length of haul, in miles, from farms to markets or shipping points, the average size of load hauled, and the average cost per ton per mile. The figures show that the average cost per ton per mile in the Eastern States is 32 cents; in the Northern States, 27 cents; in the Middle Southern States, 31 cents; in the cotton States, 25 cents; in the prairie States, 22 cents; in the Pacific coast and mountain States, 22 cents, and in the United States, 25 cents, thus confirming to a fraction the figures published in the report of the Ohio road commission in 1893.

I wish to emphasize the fact, from which there is no escape, that the rate of transportation over the common roads is and always has been excessively high, and that the improvement made from generation to generation and from century to century along that line has been very slight indeed, and all of the evidence from ancient history down to the most recent tests alike show a high rate and but slight improvement compared with the progress made in other departments of industry or by other means of transportation. Now, it being true, as I said before, that the value of land and the wages of labor are affected by the cost of transportation, we should expect to find that where so high a rate as 25 cents per ton per mile prevails, the land would diminish in value and that the rewards of labor bestowed upon such lands would grow less and less. What we should expect to find, we do

find. It is not necessary for the careful observer to get his information through official reports by way of figures, for he can see before him the evidence of this excessive cost of transportation in the diminished price of land and the diminished rewards of labor bestowed upon it. The price of land decreases in almost inverse proportion to the distance over which the agricultural products must be transported by horsepower. The greater the distance, the less the value of the land and the less the reward of labor bestowed upon it.

In the Ohio report of 1893 the total amount of tonnage moved by horsepower in the United States for the year 1892 was estimated at 500,000,000 tons; the average distance at 8 miles. The cost of moving this tonnage, at 25 cents per ton per mile, would be $1,000,000,000, which was stated to be the cost of operating the wagon roads for one year.

These figures, though expressly stated to be estimates and approximations, have also been substantially confirmed by the investigations of the United States Government through the Office of Road Inquiry. The same circular to which I have referred gives the gross weight of the entire agricultural product of the year 1895 at 219,824,227 tons, to which is added 93,525,000 tons of wood and lumber, this latter item being one-fourth of the total product of the forests, and considered as that proportion of the whole, which is transported upon the public roads by animal power.

The agricultural products consumed upon the farms are offset by other items transported to the farms, such as building materials, coal, farm machinery, and merchandise, so that the total agricultural product is considered as equivalent to the tonnage moved over the road. Adding these two items together—that is to say, the agricultural product and one-fourth of the forestry product—we have a total of 313,349,227 tons. The cost of transporting this gross tonnage over the average distance, which the circular states as 12.1 miles, at the average rate of 25 cents per ton per mile, makes $3.02 per ton, and the entire cost of moving this annual tonnage at that rate gives a grand total of $946,414,665.54. Supposing this could be moved at a cost of 10 cents per ton instead of 25 cents per ton per mile, the cost would then be $378,565,866, and the saving would be $567,848,799.54.

In this connection I quote the following from a letter of Mr. Stuyvesant Fish, president Illinois Central Railroad Company, to Governor Lowry, of Mississippi:

> Circular 19, Office of Road Inquiries, bears date April 4, 1896, and the grand total of the annual cost of hauling farm products and lumber on public roads in the United States, there given as $946,414,665, is based on data for the year ended June 30, 1895. In that year the gross sum received by all the railroads in the United States for not only hauling all freights, but for also providing in addition the highways (railroads), the vehicles (cars), the motive power (engines), and the drivers (trainmen), and paying taxes thereon, was only $729,993,462; that is to say, it cost the farmers and the lumbermen of the United States alone $216,421,203, or, say, 30 per cent more in one year to haul their products on public roads than all the railroads received for freights of all kinds.
>
> Obviously the farmers and the lumbermen have more to gain from good roads than from further reducing the excessively low rates of freight charged by the railroads, which must be given a living profit if they are to continue to develop the country. Moreover, 70 per cent of the gross receipts of the railroads are spent in taxes, labor, and material, while bad roads return nothing.

The difference in cost of transportion is illustrated by the following table, which shows how far $1.25 will pay for transporting a ton in four different ways. The table is based on the most careful estimates:

Cost of transportation per ton.

Horsepower, 5 miles	$1.25
Electric power, 25 miles	1.25
Steam cars, 250 miles	1.25
Steamships on the lakes, 1,000 miles	1.25

It will be seen that the same amount of money it takes to haul a given amount of produce 5 miles on a public highway of the United States will pay the freight for 250 miles on a railroad, and yet the railroad companies are never at rest in the matter of improving and repairing their highways. Let us devise some means to get the farmer to improve his.

Mr. Chairman, the above figures, I know, are great, beyond the power of any mind to fully conceive, and the benefits conferred upon the country must be equally great, provided we can substitute for the present costly method some more economical one. Save to our country the enormous cost of bad roads—that is economy! Good roads will save half a billion dollars every year!

I believe the only way we can secure good roads is through some system of cooperation like that explained above, in which the National Government, the State, the county, etc., all contribute their equitable proportion. I have abundant reasons for knowing that the sentiment of the whole country is in favor of such cooperation, and I am confindent that those who oppose it will be lost in the dust of progress!

Life and Character of the Late Hon. Reese C. De Graffenreid.

REMARKS
OF
HON. ROBERT F. BROUSSARD,
OF LOUISIANA,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, that the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That, as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. BROUSSARD said:

Mr. SPEAKER: We have met here to-day, according to a long-established and very proper custom of the House, to pay our respects to a departed brother who has gone from us.

REESE CALHOUN DE GRAFFENREID, a member of this Congress, died at the Riggs House on the 30th day of August, 1902, with scarcely a premonition of his coming dissolution. Our departed friend was born at Franklin, Tenn., in 1859. After attending various private schools, he matriculated at the University of Tennessee, and at the age of 19, after a four years' course at that famous institution, received his diploma. Subsequently, at the Lebanon Law School, he graduated in the profession of law, after which he practiced that profession at Franklin, Tenn., for a short time. He removed to Chattanooga and there continued the practice of his profession one year longer, and then removed to Texas.

In that State he was connected with the Texas and Pacific Railroad, then in course of construction, until 1883, when he resumed the practice of his profession at Longview, Tex., of which little city he was a resident at the time of his death.

He soon entered public life, and shortly after resuming his professional duties became the county attorney, which position he subsequently resigned. In 1888 he was one of the electors on the Democratic ticket. In 1890 he became a candidate for Congress, having as his opponents Hon. C. B. Kilgore and ex-Governor Hubbard. The canvass for the nomination was very thorough, the election resulting in the defeat of Mr. DE GRAFFENREID. Nothing daunted, in 1896 he again became a candidate for the Democratic nomination and secured it after a warm contest. He was then elected to the Fifty-fifth Congress, to the Fifty-sixth Congress, and to the present Congress.

Mr. Speaker, I entered service as a legislator in the Fifty-fifth Congress, at the same time Mr. DE GRAFFENREID'S career opened up in this House. I knew him intimately during all of his term of service. I have no desire to say of his services to his people, of his devotion to his family, and of his useful career aught that is not borne out by a strict adherence to the truth. He was a splendid specimen of manhood, strong, stout, and handsome, bearing himself like a true freeman, independent in thought, magnetic in every sense of the word; courageous, brave, and determined. These are the qualities which, among other good qualities too numerous to mention, marked him a distinguished man. He had opened before him a career full of possibilities, which made his untimely death the more regrettable to those who knew him well and were acquainted with his many fine qualities. He did not often address himself to the House, but when he did so attracted universal attention, presenting his facts in strong array, wielded a logic unanswerable, and was eloquent to a superlative degree. He was a great campaigner, was very impressive, both in appearance and in argument upon the stump, and caused those who were pitted against him continual fear of his masterly way of presenting public questions.

His reputation as a public speaker was not limited to his district, nor even to the territory which composes the State of his adoption, but from one end of his country to the other his prowess was known and recognized by all men who kept up with public business. He created as great an impression, as lasting a recollection of his ability, as a public speaker in the great metropolis of the United States that was not less than that which he had previously secured in the State of Texas. When on a memorable occasion Tammany Hall invited him to address the great body of Democrats who compose the Tammany Association on the Fourth of July, 1901, we all remember the magnificent outburst of enthusiasm that greeted his original and quaint way of presenting the cause of Democracy, the magnificent reception tendered him,

and the splendid eulogy which the press of the country paid him for that address.

But it was not only in the capacity of a public speaker that we remember our departed friend. To those who knew him most intimately here, in his native State, and in the State of his adoption, it is because of his fine qualities that we most regret him. True to every friend, faithful to every trust, courageous in the extreme, he was never known to neglect the cause of any friend or of any principle, even to the detriment of his own personal interests. Devoted to a fond wife, whom he loved dearly, it was shocking in the extreme to learn of his death.

I saw him the eve of his death, with a splendid physique, manly bearing, and courtly manners. I could not surmise that at that time the Angel of Death was hovering about him ready to strike the fatal blow. None of his friends who saw him then, or who saw him a moment before his death, realized that his time had come. Always in good humor, he was particularly so on this occasion, complained of no ailment, but, on the contrary, confident in his splendid health, moved about attending to his business, little suspecting the near end. He was extremely fond of the society of his friends, which numbered scores. It seems the irony of fate that he should have died not only without premonition, but alone, away from his loved wife, apart from his many friends, in a room at a public hotel. This sudden death made his departure the more deplorable to his many friends. Indeed, in his case the truism that "in the midst of life we are in death" was preeminently illustrated.

From Washington he was borne to his old home in Longview, accompanied by sorrowing friends hastily got together immediately after his death, and there laid to rest in the land of his adoption.

While in the House he served on three committees, Territories, Railways and Canals, and Pensions, and on each of these did good and effective work for his country.

We mourn his loss as a man; we mourn his loss to the public service; we mourn his loss as a good husband; but more particularly do we mourn his loss as a true friend and a faithful adviser.

The Philippine Coinage Bill.

SPEECH

OF

HON. JOHN F. SHAFROTH,

OF COLORADO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 21, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 15520) to establish a standard of value and to provide a coinage system in the Philippine Islands—

Mr. SHAFROTH said:

Mr. CHAIRMAN: The position which I take upon this bill is different from those which have been expressed by preceding speakers. I am not in favor of the measure proposed by the majority, nor am I in favor of the measure proposed by the minority. The position which I take is that the currency now in the Philippine Islands is better for the Philippine people than either of those proposed, and therefore it is best to vote down both propositions.

Every attempt to remedy the little inconveniencies of their currency by the Philippine Commission has proven detrimental to the people, and this is simply another step which will produce more injury.

Mr. Chairman, all the evils that have been complained of as the result of the silver standard in the Philippine Islands are not proper to lay at the door of that system of currency. There has been great distress in the Philippine Islands, due to the drought, due to the failure of the crops, due to the locusts, due to the cholera, due to the bubonic plague, due to the rinderpest which destroyed nearly all their work animals. Some gentleman the other day, in speaking on the constabulary bill, seemed to think that all these disasters were due to the fact that the silver standard existed in the islands.

Mr. Chairman, the only way to prove whether this standard has caused the distress, whether it is the silver standard that works to the detriment of the people, is simply to inquire whether other silver-standard countries are progressing. I find in a magazine called The Protectionist, of December, 1902, a Republican paper of good standing, a statement relative to the condition in Mexico, and I must say that I was surprised to find the rapid progress being made in that Republic. I was surprised to find there a degree of prosperity, according to the figures given, that comparatively is even greater than that of the United States. While we have been doubling they have been quadrupling in development.

I find from this article that the bank assets increased between 1865 and 1901 from $1,000,000 to $270,000,000, an increase of 270 fold or 27,000 per cent. I find that the silver money deposited in banks rose from $500,000 in 1865 to $59,000,000 in 1901, 10,000 per cent. I find that the bank deposits in 1893 were $28,000,000, and in the year 1901 they were $104,000,000. I find a notation here to which I want to call the attention of my friends on the other side, and that is that "not a single bank has ever failed in Mexico." Such a record has never been made by any gold-standard nation of the world.

I insist the difficulties with the Philippine currency have resulted from the effort of the Commission by order to fix an arbitrary ratio between gold and silver by means other than open mints. It first fixed the ratio at 2 silver dollars for 1 gold dollar, but when the value of silver rose higher than 32 to 1, it produced the exportation of the silver Mexican dollars. The Commission then imposed an export duty of 10 per cent on Mexican dollars. That law necessitated the settlement of balances in gold. When silver sank in the world's market it became very remunerative to the Chinese bankers and brokers to ship in Mexican dollars and exchange two of them for a gold dollar. If the Philippine Commission had not attempted to regulate the value of silver dollars in gold but had left the value of the Mexican dollars to the market value of the same as is done in Mexico, in China, in Hongkong, and in the Straits Settlements, there would have been no serious difficulty in making exchanges with other countries.

Mr. Chairman, I want to read a little further of the marvelous degree of prosperity which the article says exists in the Republic of Mexico. The railroad mileage increased from 359 miles in 1873 to 10,100 miles in 1900, the increase being thirty-fold, or 3,000 per cent, yet the increase of mileage in the United States during the corresponding period has been less than 100 per cent. The Government revenues in the Republic of Mexico in the year 1881 were $30,466,093, and in 1900 they were $64,261,076.

There is nothing in this statement showing a want of revenue, nothing showing that under their system they can not meet the interest on the public debt and the payments due to public officers. But they have not had the locusts in that country; they have not had the rinderpest there; they have not experienced the loss of crops in the Philippines. Consequently, to charge that these disasters, these unfavorable conditions, resulted from the money standard prevailing there, is, it seems to me, absolutely contradicted by the fact that in the Republic of Mexico, under the same standard, the conditions have been exceedingly prosperous.

Each year the Mexican Government has about $6,000,000 surplus custom-house receipts, and the increase in those has been from $7,239,880 in 1870 to $24,000,000 in 1900. The increase has been nearly fourfold, or 400 per cent. The exports of the Republic of Mexico in 1885 were $46,670,845; in 1900, $150,056,360; and this under the same silver standard which it is claimed must necessarily produce disaster to any people.

The amount produced in mining in 1885 was $40,000,000; in 1900 it was $100,000,000, showing an increase of 150 per cent in the last twenty years. We find that the postal service has increased correspondingly. In 1877 the post-offices and agencies were 322; in 1900, 2,511. In the last ten years, as this report shows, the exports have more than doubled, while the imports have increased 80 per cent. It took the United States twenty-three years to double her exports, and it was claimed that the increase was marvelous.

In the last five years the paid-up bank capital grew from $23,000,000 to $61,000,000, an increase of $38,000,000. The discounts increased from $47,000,000 to $125,000,000; the bank-note circulation from $37,000,000 to $63,000,000. I say that a corresponding amount of increase has not been made in this country, which is supposed to be the greatest, the most prosperous country on the face of the globe.

Not only that, but I want to call the attention of the committee to this remarkable statement "Business failures are rare, not exceeding ten yearly in the last years." I ask gentlemen who are charging all kinds of disasters to the silver standard. Where is there a record to compare with Mexico's? Where is there any corresponding portion of the United States in wealth or population which has not had more than ten failures in a year? Yet that is the condition existing in the Republic of Mexico.

Now, Mr. Chairman, with these facts before us, it seems to me we can not charge the financial disturbances existing over in the Philippines to the standard that they have. The trouble is due to something else; and that something else is the disasters which any country will experience when it has famine, when it has loss of crops, when it has fatal epidemics.

It is on this account that we should let things alone. We have no business to impose upon the Philippine people either the provisions of this bill or the United States currency, because there are dangers in each alternative. In my judgement there is less danger in imposing upon those people the currency of the United

States. I do not believe that from this course as many evils will result as from the passage of the bill of the majority of the committee. Yet at the same time I recognize that when we impose the gold standard upon the Philippine people serious difficulties and disasters are likely to occur.

The chairman of the Committee on Insular Affairs has cited as a model the currency of India. He has said that this bill proposes to give to the Philippine people the same kind of currency which is imposed in India. If so, Mr. Chairman, I pity the people of those islands. He has selected a very poor example for us to follow. Prominent statesmen in the British Parliament are divided now upon the question whether the currency adopted for India is or is not a good currency.

Some of the very ablest men of Great Britain have been opposed and are opposed now to the adoption of the gold standard in India and the attempt to secure for the rupee an artificial value. And the reason of their objection is that the system which has been adopted imposes upon those people a managed currency instead of an automatic currency. An automatic currency is regarded by all financiers as the ideal currency. It can only be secured by an open mint. The United States has it through the free coinage of gold, and the silver-standard countries obtain it by open mints for silver. The imposition of a fixed or a managed currency is always regarded as detrimental to the interests of a people.

I want to read from one or two authorities in England relative to this model which is presented to us. I want to show that such men as directors of the Bank of England say that it is not a proper system, and I wish to call attention to the statement which was made by the Right Honorable Lord Aldenham, a director of the Bank of England, with respect to the Indian currency. He said:

> It is to my mind a necessity of a good standard that it should be automatic; that the needs of commerce should be supplied by commerce itself. Now, in the place of that, the closing of the Indian mints substituted a managed currency. Instead of being automatic, you may say it was autocratic; the Government has under the present system and would have under the proposed system, to settle what amount of currency is needed for the people. It should regulate itself by the needs of commerce. The currency existing in rupees is divorced from the metallic value of the rupee and is dependent only on the face value. It is, in fact, a forced currency, a debased currency.

Mr. George Handasyde Dick, president of the Chamber of Commerce and Manufactures in the city of Glasgow, Scotland, in December, 1901, published a statement with relation to the Indian currency which contains the following:

> The foregoing are horns of the dilemma upon which the currency policy of India is impaled.
>
> The first is, all history and experience show that there is nothing so detrimental to the progress and well-being of a nation as an artificial currency "managed" and unduly limited. This is illustrated to-day by the prosperity enjoyed by the silver-currency countries where the currency is allowed to expand automatically in comparison with the present agricultural and commercial adversities of India with her limited currency. It is also illustrated by the recent phenomenal prosperity in America, following upon an increase in her legal-tender money, since March of last year, of about $200,000,000.
>
> Mexico is said to be suffering from scarcity of her coin, due to an unusual demand for it from the Far East. The other dilemma is that the government of India dare not allow its silver currency to increase without check, because any such considerable increase might at once upset the exchange between India and London.
>
> It is therefore submitted that the present policy of the Indian government to maintain India's foreign exchanges by limiting the supply of the only metal money which India will circulate is subversive of India's interests.
>
> The two objects aimed at are incompatible with one another, and mutually destructive.
>
> * * * * * * *
>
> Even with the gold currency which Japan had its export has completely disorganized her trade. Consider the prosperity of China's trade now, with her unrestricted silver money, in comparison with the position in Japan. China has recently paid an enormous indemnity to Japan, and stands bound to pay an enormous indemnity to the allied countries who recently attacked her; but her trade continues good.
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> * * * * * * *
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> From what appears in the earlier part of this paper, it is failure and not success that has attended the attempt to set up a gold standard and currency in India.

Mr. Chairman, it seems to me that when people such as a director of the Bank of England, such as the president of the Chamber of Commerce of the city of Glasgow, make statements that the attempt to impose a gold standard upon India has proven a failure and against the interests of the people, that we ought to hesitate as to what steps we are going to take in imposing a similar currency upon the people of the Philippine Islands.

I want to call attention to the fact that there was a hearing before the Senate committee last year and that the parties who presented themselves before that committee were men who represented banks and who represented large commercial houses in the Orient, and that the majority of that committee agreed that it would be better for the United States even to set up an open mint for the Philippines than to establish a gold standard there in the way of adopting the currency of the United States or of adopting the provisions contained in the plan of Mr. Conant.

Now, Mr. Chairman, the proposition which I make does not go to that extent. The proposition which I make is to let things alone. What is involved in the question of a currency in the Philippine Islands? It is purely a question of exchange, not as between the people of the islands, which constitutes 95 per cent of their business, because the peso circulates there freely; but the difficulty comes in foreign trade, which constitutes not 5 per cent of their commerce. Why impose upon a people a system of currency for the benefit of 5 per cent of their trade when it is likely to produce results detrimental to 95 per cent of the same?

If we adopt the majority bill, in order to maintain the parity between gold and silver in the islands it will be necessary either to maintain a large gold reserve or unduly limit the silver coins. If the gold reserve is maintained, it will have to be a large one, as the imports to the islands exceed the exports by seven to nine millions a year, all of which will have to be settled in gold. It puts the Philippine government into the banking business, with all the evils of an endless chain upon the gold reserve. If the parity of the metals is maintained by limiting the silver coins to such an extent as to raise the value thereof to gold at the ratio of 32 to 1, as they did in India, then we will have an inadequate currency for those people, which is bound to produce distress and disaster.

If we adopt the minority bill, it forces the United States currency upon a people which have had a different standard, as by that currency the silver dollar is greatly overvalued. It can not be used in the settlement of balances, and consequently the balances of trade will have to be settled in gold. The Philippine Islands, by reason of the Mexican dollar being a legal tender therein, have an automatic currency through the open mint in Mexico, which responds to the demands of commerce. The substituting therefor of a fixed or managed currency such as is proposed will, in my judgment, be detrimental to the people of those islands.

Life and Character of the Late Hon. Reese Calhoun De Graffenreid.

REMARKS
OF
HON. JAMES L. SLAYDEN,
OF TEXAS,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. SLAYDEN said:

Mr. SPEAKER: Three times in less than eighteen months death has invaded the ranks of the Texas delegation in Congress.

In June, 1901, Judge R. E. Burke, of Dallas, while still hardly beyond the meridian of life, was called to the other side of the "great divide." His loss to the State and to the delegation was a great one. He was a painstaking, hard-working public servant whose judicial and legislative career had always been controlled by high and patriotic purposes. While his service in Congress was brief he had made his presence felt, and it gratifies me as his friend, when I go about the Departments of the Government, to hear him still affectionately and admiringly spoken of.

In August, 1902, REESE CALHOUN DE GRAFFENREID, another highly honored servant of the people of the State of Texas and of the whole country, died very suddenly in this city.

His unexpected death was an indescribable shock to his friends in and out of the State of Texas. His person was so powerful, and his nature so buoyant, that it seemed impossible to associate him with the idea of death. Cast in such an heroic physical mold and elevated to high political station while still a young man, his friends had every reason to believe that there lay before him a long, brilliant, and useful career.

It was my sad privilege to attend his funeral at the little town of Longview. I was impressed with the idea that the whole community had turned out to pay a last tribute of respect to their dead Representative. On his coffin there fell the tears of hundreds of his grief-stricken neighbors. From every farm and home for miles around the people poured into Longview by the thousand to bid a last farewell to one whom they had so loved and honored in life. Little children were there in great numbers, their innocent

faces bearing the most sincere testimony to the affectionate memory they had for their friend who had gone forever.

Often in his life I had observed the tender and affectionate manner which characterized his intercourse with children. They all seemed to love and instinctively to trust him. And little children rarely make mistakes in their estimates of their elders. Since the Master said "Suffer little children to come unto me, and forbid them not" they have almost unerringly been able to pick people who have those sterling qualities of the heart and mind that are the essentials of character in the best men.

The bravest are the tenderest,
The loving are the daring.

Such was my friend REESE DE GRAFFENREID.

My colleagues who have preceded me have referred to the life and history of Mr. DE GRAFFENREID. I will not undertake to do, therefore, in my poor way what they have done so well.

Suffice it to say that the forbears of our friend were the State builders who in the eighteenth and nineteenth centuries braved the hard conditions of life and fought Indians and foreign enemies in Virginia, North Carolina, and Tennessee. He was also the descendant of those brave and virtuous people, the Huguenots, who left France for conscience sake and who brought with them to this country, as they had taken it to Great Britain, a degree of culture and a knowledge of the fine arts possessed by no other class of immigrants. Having the blood of such sires in his veins, it was quite natural that he in turn should seek the frontier. In comparatively early life he went to Texas, where he played a man's part in the upbuilding of the civilization of that matchless Commonwealth.

Although trained to a profession, he was forced by the hard conditions of iron fortune to take any honest employment that offered. He considered himself fortunate when he secured work as a laborer on a railway then being constructed. From that honorable and useful work he went, in time, into the higher service of the people. In the rôle of laborer and equally in that of statesman he worthily did his whole duty. His experience illustrates the truth of the poet who said:

Honor and fame from no condition rise;
Act well your part, there the honor lies.

The Trusts.

SPEECH

OF

HON. FRANCIS M. GRIFFITH,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. GRIFFITH said:

Mr. SPEAKER: If anything more were needed to demonstrate the utter insincerity and impotency of the Republican party in its wonderful campaign against the trusts, the record of this session would supply the omission.

From first to last, this Republican antitrust campaign has been "all talk and no cider." It has been a mere pow-wow of noise fit only to amuse children, a silly and impudent device to deceive and hoodwink voters. The farce may be said to have begun in 1900, when the Republican House passed its antitrust bill with the understanding that the Senate would shelve it, and it was shelved accordingly. Then the President and his Attorney-General make a great show of opposing and prosecuting the trusts, acting on the principle of hunting bears with a brass band, and very few bears have they subjected to any inconvenience by this method; in fact, the bears seem to enjoy the excitement of the chase quite as much as the hunters do, and their health and prosperity seem to increase under the process. The same two officials next come to Congress with a great flourish of trumpets, and with an elaborate programme of antitrust legislation which they ask to have adopted. The Republican leaders then go into solemn conclave and produce various antitrust bills—all of them labeled "administration measures"—which we are assured will meet the emergency, and the country has been all agog during the whole winter in awaiting the awful carnage among the trusts that would ensue.

And behold! the mountain has labored and has brought forth a mouse. What is the net result of all this solemn, ominous Republican campaign against the trusts? It is proposed to expedite trust cases in the courts, to punish the giving and receiving of rebates, and to secure "publicity" by establishing a new bureau of the Government. Only this, and nothing more.

The proposition to expedite cases is all well enough, but it can not be called antitrust legislation. It is simply an oiling of the machinery of the law. The antirebate provision is degraded into a piece of buffoonery and an insult to the intelligence of the people by coupling with it a proviso that corporations may testify against themselves without fear of inculpating themselves. In other words, all that a corporation has to do in order to escape punishment is to confess that it is guilty.

Then, as to "publicity," this new bureau of the Government, with a full roster of well-paid officials—the heathen can not be converted, you know, without a liberal expenditure of money in the good cause—this bureau, I say, is to be solemnly charged with the duty of making "diligent investigation" of the business of the trusts, and after "diligently investigating" and "collecting information" the bureau must tell the President what it has found out, and then he must tell Congress what additional legislation he thinks might be advisable.

In brief, that brings us, after all this fuss and feathers, back just to the point where we are now. Why do we need more "information" about the trusts? Do we not know now enough about them, and more than enough? What the Attorney-General needs is not more information, but more power to his elbow. More stringent laws might be desirable, but the greatest need is for officials who will honestly and strenuously administer the laws as they now are. I believe that if we had a Democratic President and Congress the present laws would be found sufficient for curbing the trusts. The trouble is that the leaders of the dominant party do not want to curb the trusts. That is the milk in that cocoanut.

It is proposed that this puissant new bureau be invested with powers coordinate with those of the Interstate Commerce Commission. That sounds well. But the burden of the song of the Interstate Commerce Commission ever since it was born has been that it has no adequate power for carrying out its aims and its decrees; and this is an undoubted fact. So now this new bureau, which is to deliver Israel out of all his troubles, is to be only a kind of second edition of the Interstate Commerce Commission, and as powerless as that body for effecting needed reforms. Really I see no advantage to be derived from this bureau, except the advantage derived by the officials attached to it. They will have the advantage of drawing their salaries, and it looks very much as if that were the only reason for creating the bureau.

The pretended anxiety of the Republican leaders to curb the trusts is enough to make a horse laugh. The trusts and the Republican party organization constitute a business partnership—a combination, a trust in itself, and the biggest trust of them all—greater even than the steel trust, which is the richest and bulkiest beneficiary of the great Republican political trust, to be sure, but only one beneficiary among many. The trusts were the main support of the Republican party in the last campaign and in the campaign before that, and but for their aid the Republicans would doubtless have been beaten. Without their aid they will surely be beaten in 1904. Is it natural, is it fair, to suppose that the Republican party will deliberately commit suicide by injuring, curbing, and "going back on" the trusts? What is the Republican party for, anyway? Practically, is not its only "mission" to uphold and take care of the high protective tariff? And is not that just what the trusts want? All they ask is to be let alone themselves and to have the tariff let alone. Surely that is reasonable enough from a Republican point of view. That leaves the Republicans with nothing to do but "stand pat"—"stand pat" on the tariff and "stand pat" on the trusts.

Nothing but that? Oh, yes; there is one thing more that they feel obliged to do, and that is to pretend to curb the trusts. That they find really quite hard. It bothers them a good deal, and is really quite a nuisance. Not having any heart or sincerity in the matter, their efforts in that direction have naturally proved a failure. They earnestly wish the people would not make such a fuss about the trusts. Are not the trusts the people's best friends? Do they not give employment to everybody? Have they not produced the present unparalleled prosperity? Do they not help to keep the grand old party in power?

We might offer a few more conundrums. Do not the trusts monopolize the production of practically every article of common need? Do they not stifle all competition and control all prices and wages? Do they not sell their products lower to foreign buyers in foreign markets than to our own people in the home markets?

Do they not make our people pay them as extra profits the full measure of the tariff protection on those products? Do not they declare dividends of 10, 25, 50 per cent, and do not their managers become multimillionaires and billionaires on the money thus extorted from the poor people of this country? Have they not corrupted legislatures and courts and prevented the execution of the

laws and of verdicts against them by bribes and by the ingenious perversions and quibblings of their hired attorneys, who are the ablest lawyers obtainable? Do they not own the Republican party, the party now in power, body, soul, and breeches? Do they not own a large part of the capital of the country and control absolutely the majority of its industrial interests? Is there not danger that if their present power should be allowed to keep on extending itself it might result ere long in controlling absolutely the nation and National Government, as it even now does practically, to a great extent?

Oh, what a humbug it is for the Republican party to go through the motions of attacking the trusts! The tariff is the mother of the trusts. Attack the trusts through the tariff. That is the best way. Reduce the tariff. Cut down the items on which the trusts fatten. Then the people will be able to get the benefits flowing from competition, of which they are now artificially deprived. There will still be revenue enough for the Government. Our expenditures last year, lavish as they were, amounted to only $593,000,000, while our receipts were $684,000,000, thus leaving a surplus of over $91,000,000, or an amount equal to about two-fifths of our total customs receipts for that year. In other words, two-fifths of our tariff duties last year were unnecessary for the support of the Government, and they only served to support the trusts and rob the people of their money for the benefit of the trusts. Surely the tariff could be cut down that much anyway without harm to the Government. But any suggestion to that effect gives the Republican managers a severe attack of heart disease. "Oh, no," they exclaim, "you must not touch the tariff." Why not? Why should we not reduce it at least a third or two-fifths, in the light of the figures of last year? It would not hurt the Government, would it? No, but it would hurt the trusts, or it would hurt the Republican party, which is the same thing.

Let us look at some of the items more in detail. The average rate of duty on dutiable imports, as levied last year, was within a very small fraction of 50 per cent. It was over 49 per cent. Expressed exactly, it was 49.78 per cent. Call it 50 per cent for convenience. I have not figured it out as to the amounts of all the different articles imported, but on the basis of the average rate of duty we could have cut down the tariff so that the average rate should be 32 per cent, instead of 50 per cent, and still had enough to meet all the needs of the Government last year. Of course that calculation ignores the needs of the trusts and of the Republican party, which I acknowledge are very great, but the question is whether the people ought to be obliged to supply these needs out of their own pockets. I am inclined to think not, and the people are inclined to think not.

The people will be wise if they carry on their thinking a little further. Let them cogitate a while on such questions as these:

Why should a plain American citizen in ordinary circumstances be taxed with a duty amounting to 17 per cent on oil to enable the Standard Oil trust to pay annual dividends of 50 per cent? Of course we are in favor of the endowment of universities by Mr. Rockefeller, but we really can not afford to supply the funds for their endowment by being forced to pay an additional cent per gallon for oil just because coal is scarce.

Why should we pay $28 a ton for steel rails to the steel trust, when the same trust sells similar rails to an English customer for $23? Is it fair to squeeze money out of us in this way, even if the money be devoted by Mr. Carnegie to the founding of public libraries?

Why should we pay 59 per cent more than we ought to for our window glass, in order to allow the window-glass trust to make 15 per cent on their investment?

Since the passage of the Dingley tariff law the salt trust has put up the price of our salt 100 per cent. Where is the justice of that?

Where is the sense or justice in giving the borax trust a tariff protection of 158 per cent, and thus enabling it to charge us 8 cents a pound for borax, while it sells the same article abroad at 2½ cents a pound?

Why should the American farmer pay $65 for a farm wagon similar to one that the same manufacturer sells in the foreign market for $39?

Tell me why a sewing machine of American make that costs our American housewives $45 is sold in London and Paris for $27?

These are some of the questions which the American citizen and voter might ask himself with profit, and by reflecting upon them he would naturally be led to the correct solution of the whole problem. That solution will be reached by the transfer of the governmental power to the Democratic party, and in no other way can it be reached. Reform and Republicanism are incompatible terms. The Republican party can not reform because it does not want to reform. Reform would be death to it. Its very existence depends on the continuance of these very elements of corrupt, unfair, unjust, rapacious, un-American, mean, contemptible favoritism which have made the trusts possible and which have insured their success.

Their success! Their success is the shame and the scandal of the country and of Christendom. Their success has been gained by the sacrifice of American manhood and independence, and the prostitution of every pure, patriotic impulse in the American breast. But it will be asked, Are you in favor of utterly exterminating the trusts? Not if they can be rendered as harmless to the public as the companies and firms which they have supplanted.

I welcome any and all measures, emanating from whatever source, which will tend to diminish and abate the evils flowing from the trusts. But the point I have been endeavoring to emphasize is that no measure emanating from an authoritative Republican source can be expected to be of any real effect in curbing the trusts, because the Republican leaders do not wish or intend to curb the trusts, and that any radical, effective, and permanent remedy for these evils must emanate from Democratic sources, and can be administered effectively only by Democratic administrators. I have introduced a bill to revise the tariff in such a way as to place paints, varnishes, oils, cement, lime, plaster, glass, metals, lumber, meat, pulp, paper, books, coal, leather, and all farm implements on the free list, and thus to take away from the trusts now controlling all these articles the extra profit afforded by the tariff, but the bill sleeps in the pigeonholes of the Ways and Means Committee, and the measure can not be brought to a vote because the trusts wish otherwise.

Let Democrats vote for this little milk-and-water measure, by all means, if they wish to. Let them vote for this, that, and the other "publicity" measure, by all means, if they wish to. Much do the trusts care about these "publicity" measures, by the way! How they do laugh at them! By all means let the various "Administration measures," all and several, have the benefit of Democratic support. These measures may not do any harm, although they will not do any good. But the best way to attack the trusts and to cope with their evils is for the Democrats and the honest, patriotic citizens of this country generally to begin now, at this moment, an earnest, strong campaign for the overthrow of the Republican party next year. With a Democratic Congress and a Democrat—a genuine Democrat—in the White House the satisfactory solution of the trust question will be assured, and it can not be assured or attained in any other way. And I believe the people are silently and irresistibly forming an intention to vote that way in November, 1904. [Applause.]

Life and Character of the Late Hon. Reese Calhoun De Graffenreid.

SPEECH

OF

HON. ARIOSTO A. WILEY,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted that the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased"—

Mr. WILEY said:

Mr. SPEAKER: A veil hangs over the face of the statue of Isis, with this inscription: "I am that which is, has been, and shall be. No mortal can ever lift my veil."

Death lays his cold fingers upon us, claims us as his own, and to the pale realm of shade bears us as his prey. With an unpitying rap he will be heard in turn knocking at the door of us all. We can not tear his veil asunder. We die and go away without ever having penetrated his mysteries.

Another of our brothers, REESE CALHOUN DE GRAFFENREID, has paid to nature her last great debt, and gone from this strange world "no more to linger where the sunbeams must fade." In the enjoyment of robust health, in the pride of vigorous manhood, he was cut off, like a flower in full bloom. His hands are folded. His lips are closed. These walls shall hear his voice no more forever. His sun went down before its setting, "not darkened, but no longer seen." He has glided away from amongst his earthly labors to a life beyond, "where the rainbow never fades, and where the stars are spread out like the islands that slumber on the sea."

One sentiment pervades and depresses us all. It is that of sincere sorrow at the death of this splendid man. Yet he is not wholly dead. He lives in our affectionate remembrance and esteem, as well as in the efficient services he rendered, and the good he accomplished here and elsewhere. Our bereavement is not shut up in his tomb. We need not weep in secret, for we enjoy the tender privilege, here and now, of pouring out our loves and griefs and tears over his newly made grave.

I knew the distinguished dead intimately and well. It was my pleasure to serve with him, not only on the floor of the House, but in the performance also of the many routine duties of the committee room during the long session of the Fifty-seventh Congress. My acquaintance ripened into a deep attachment for him. He was a just, generous, liberal-minded, big-hearted magnanimous man. A manlier man I never knew.

Painstaking, courteous, loyal, chivalrous, he toiled faithfully, not only for the people of the Congressional district he had the honor to represent in this Chamber and of the adopted State in which he lived, but also for whatever he conceived to be to the best interests of the whole country, regardless of boundary lines and irrespective of party affiliations.

Self-reliant, able, and strong, equipped with a high order of talent, a trained and disciplined intellect, he was essentially a useful man. His energy was tireless, his integrity stainless. Patient in the conquest of details, with a determination to succeed, he could not and would not occupy a position of mediocrity. He literally compelled success, and leaped quickly into the arena of an active and lucrative law practice, which he willingly sacrificed in order to serve at the national capital a constituency which delighted to honor him. The people, ever ready to appreciate and reward merit, thrice elected him a member of this body, and he died here in the city of Washington, at his post of duty, while serving the sixth year of his term as Representative from the third district of Texas. Let us cherish the hope that he is not really dead, but only departed; that he has left us but for a little while to go down "into his garden to gather spices; to feed in his garden, and gather lilies."

His greatest triumphs were achieved in political contests, for which his natural endowments preeminently fitted him. Physically courageous and "intellectually pugnacious," he was in forensic debate combative—sometimes astutely aggressive. A devoted friend, an uncompromising adversary, with a temperament eminently positive, he intrepidly attacked or resolutely defended any position he was called on either to assault or to maintain. Reared among the people, he was familiar with their struggles and acquainted with their needs. Possessing a rare facility and grace of speech, endowed with the gift of clear analysis and the power of convincing logic, he neither feared disaster in a cause he believed to be right nor failed, when occasion required, to display the lofty courage of his convictions in respect to any matter demanding consideration at his hands.

He never professed, while living, to be an infallible man, free from every human fault and frailty. Indeed, his record abounded in romantic lights and shadows. He was not a Pecksniff or a Robert Beaufort—those hypocritical characters, so graphically pictured in works of fiction by the brilliant pens of Dickens and Bulwer. He was not one of those "rigidly righteous," "holier than thou" men of decorous phase and heartless action, who conspicuously observe the hollow forms and empty conventionalities of polite society, and, while careful not ever to offend the proprieties of a thinly veneered life, never do a brave, benevolent, or unselfish act. Such men are wholly incapacitated to sit in judgment upon the shortcomings of their brethren, because they are either ignorant of their natures or strangers to their weaknesses. They are never merciful. Their verdicts are always harsh. Like the unjust creditor described in the Bible, they are ever ready to take a victim by the throat and mutter through their well-set teeth, "Pay me that thou owest." They forget what the poet has so prettily said:

> A little word in kindness spoken,
> A smile, a sympathizing tear,
> Has often healed the heart that's broken,

and might also have added—and proven the strongest helping hand, outstretched in a moment of peril to lead back an erring son of humanity to the straight, sure paths of virtue and of peace.

A wise man once aptly declared, "Those who exclude are really the excluded." Those who seek capriciously or unjustly to "cast out" others from the holy temple ofttimes find themselves the ones who are actually cast out. He was not his "brother's keeper." He condemned no mortal without a hearing. There was nothing pharisaical in the blended elements which entered into his mental, moral, and physical make-up. He was not addicted to external forms and ceremonies. For all manner of shams and false pretense he had a haughty contempt.

If he did not make the show, he had nevertheless the spirit of that broad, catholic philanthropy which recognizes the fatherhood of God and the brotherhood of man. His earthly career was pitched on a high plane, above creeds and beyond doctrines. He was a magnetic gentleman, slow to anger, prompt to respond to all appeals for neighborly kindness, and quick to dispense God-like charity in relieving the poor.

But he is gone! Across the threshold of this Hall the tread of his footsteps will never be heard again. We have borne him to his grave. Gathered about his bier, let us remember and emulate his many virtues. The fairest funeral wreath we can now lay on his coffin is to imitate his good deeds. Let our thoughts of him be associated with all that is pleasant and genial and warm-hearted and noble and brave and true. Impressed, too, with this solemn occasion, we may learn a useful lesson from the words of the Psalmist:

> Lord, make me to know mine end, and the measure of my days what it is, that I may know how frail I am.

The Department of Commerce and Labor.

SPEECH
OF
HON. D. LINN GOOCH,
OF KENTUCKY,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, January 17, 1903,

On the bill (S. 569) to create a new executive department of the Government to be known as the department of commerce and labor.

Mr. GOOCH said:

Mr. CHAIRMAN: The growth of the commerce of the country has been so marvelously great and its continued development is so desirable that there is a well-recognized demand for the creation of a department to be headed by a secretary of commerce. Let me give some of the facts and figures showing the growth and importance of our commerce. The industries in the United States have grown in number from 3,908,677 in the year 1870 to 11,891,220 in the year 1900. Our manufactures have grown from $1,885,861,676 in 1860 to $13,014,287,498 in the year 1900, and the mileage of our railroads has grown from 30,626 in the year 1860 to 194,321 in the year 1900. The tonnage of American vessels engaged in domestic trade in the year 1860 was 2,807,631 and in 1900 4,338,145. In the year 1860 American vessels engaged in the trade on the Great Lakes represented, in tons, 467,774, and in the year 1900, 1,565,587. And I might, Mr. Chairman, go on and furnish a long list of other items showing the material development and industrial growth of our country, but I will content myself by calling attention to these items:

	1860.	1900.
Merchandise:		
Imports	$353,616,119	$849,941,184
Exports	$333,576,057	$1,394,483,082
Gold and silver:		
Imports	$8,550,135	$79,829,486
Exports	$66,546,239	$104,979,034
Manufactures of iron and steel:		
Imports	$21,526,504	$20,478,728
Exports	$5,708,024	$121,913,548
Cotton:		
Imports of raw cotton.....pounds	2,005,529	67,308,521
Exports of domestic cotton .....do	1,767,686,338	3,100,563,188
Receipts from customs	$53,187,512	$233,164,871

Our population in 1860 was upward of 31,000,000, and this year it is estimated to be upward of 87,000,000. Property values, real and personal, have grown from $16,159,616,000 in the year 1860 to $94,300,000,000 in the year 1900.

The total number of depositors in savings banks in 1860 was 693,870; in 1900, 6,107,083. We have no record of the total deposits in banks in 1860, but in 1880 they amounted to $2,305,000,000; in 1890, $3,998,000,000, and in 1900 to $7,464,000,000.

The number of farms in 1860 was 2,044,077; in 1890, 4,564,641, and in 1900, 5,739,657.

The total value of farm animals was, in 1860, $1,089,329,915, and in 1900, $2,981,722,945.

The total value of farm products was, in 1870, $1,958,030,927, and in 1900, $3,764,177,706.

Our exports of domestic cotton in 1860 amounted to 1,767,686,338 pounds, but after the abolition of slave labor the amount of export cotton fell, in 1870, to 958,358,523 pounds.

For the fiscal year of 1902 our exports of domestic cotton amounted to 3,500,778,763 pounds.

These facts are given as a part of the argument of the committee to show the importance and necessity for this proposed department of commerce. I do not wish to detract from its importance, but, Mr. Chairman, my criticism of this bill is that it does not go far enough. It should have created a department of labor, with

a Cabinet officer in full possession of all the information pertaining to labor in our country and in touch with the laboring people throughout our land.

The party to which I owe allegiance, the great Democratic party, in its platform adopted in its last national convention put forth this declaration:

In the interest of American labor and the uplifting of the workingman as the corner stone of the prosperity of our country, we recommend that Congress create a department of labor, in charge of a secretary with a seat in the Cabinet, believing that the elevation of the American laborer will bring with it increased prosperity to our country at home and to our commerce abroad.

This bill, instead of giving to labor an independent organization, with a Cabinet officer at its head, proposes to put that department under the supervision and control of a secretary of commerce. The platform demand, which has just been read, is not satisfied by the bill here proposed, nor will the thoughtful laboring people of the country be satisfied with this measure.

Now, Mr. Chairman, if the framers of this bill had been as ready to recognize the claim of labor as they have been anxious to meet the demands of commerce, I would have said nothing in this debate. Let me be not misunderstood. I am willing to listen to the appeal of the commercial interests of the country, but I insist that the labor interests be given a fair showing in the pending bill. I shall, therefore, support the proposition of the gentleman from Alabama [Mr. RICHARDSON], which will be offered at the proper time, to recommit this bill with instructions to the committee to report back a bill creating a department of commerce and a department of labor, each with a Cabinet officer.

That this course is in the interest of the public welfare ought not to be questioned. We now have a Secretary of the Treasury and a consular service to look after the commercial interests. We have the Labor Bureau, charged with the duty of caring for as near as may be the labor interests. If commerce is so important as to need a separate department, we can with equal justice demand that labor be accorded a member in the President's official family. Foreign relations, finances, law, interior affairs, post-offices and post-roads, and agriculture each have an adviser to the President. Let us authorize one for commerce and one for labor.

Mr. Chairman, we should not fail to incorporate into this bill a provision for a secretary of labor. The labor interests of the country have been seeking this much for more than thirty years. They now repeat the request. I read you the letter of Mr. Gompers, the president of the American Federation of Labor:

JANUARY 20.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

DEAR SIR: The bill pending before your honorable body, Senate bill 569, is, as you know, to establish a department of commerce, with the creation of an office to be known as secretary of the department of commerce. A perusal of the bill shows that it proposes to transfer the Department of Labor to the proposed department of commerce, and it is to this particular feature to which your attention is respectfully directed.

As you know, the Bureau of Labor Statistics was created at the earnest solicitation of the organized labor movement of America, and subsequently changed to the higher position of the Department of Labor. This, too, in response to the earnest request of the American Federation of Labor, and the hope has been long entertained that time would demonstrate the wisdom of an independent executive department and its chief officer a secretary with a voice in the councils of the President affecting matters particularly relating to the great interests of labor.

No keen observer disputes that the all-absorbing and burning question of our time is expressed in the terms, the labor question. In the effort to establish the rightful relation of the workers to society, in the production of wealth, and in its just distribution is encompassed all the complex questions of our lives.

That justice should be meted out to all the workers no thoughtful man will deny.

Anything which is not based upon ethical considerations for all no intelligent trades-unionist asks.

Questions often arise in the official family of the President of the United States in which justice, fair dealing, ethics, and the law and its administration must frequently be under consideration, and unless there is some representative of the workers competent to speak in their name, to advocate their cause, to convey to the Executive head and his advisers the laborers' side of labor's contention, he and they must be deprived of valuable and far-reaching information. It is to supply this present deficiency that the American Federation of Labor has asked, and should repeat and increase its efforts to secure, the enactment by Congress of a law creating a department of labor, with a secretary who shall have a seat in the President's Cabinet.

The creation of a department of commerce with the provision for the subordination of the Department of Labor will minimize the importance of labor's interests and minimize the present Department of Labor. Against such a procedure, in the name of American labor, I enter my most solemn protest.

There can be no question that the members of a President's Cabinet are representatives of the employers' and business men's side of industry, commerce, and finance. Our ambassadors and consuls to foreign countries are agents and advocates of the same interests, and there can be no good reason for the creation of a department of commerce, particularly when the Department of Labor, which was created for a particular purpose in no way germane to a department of commerce, and which it is purposed shall be absorbed thereby to the detriment of the interests of all our people.

It is therefore urgently requested that in the event that the honorable Senate should deem it wise to enact Senate bill No. 569, that the Department of Labor, as now constituted, may be eliminated from its provisions. I trust, too, that you may extend the courtesy of submitting this communication to the Senate of the United States.

I have the honor to remain, yours, very truly,

SAMUEL GOMPERS,
President American Federation of Labor.

Mr. Tracy, the representative of the American Confederation of Labor, and Mr. Fuller, the representative of the Brotherhood of Locomotive Engineers and kindred organizations, made request for a secretary of labor. And these and others identified with the labor interests went further than this and protested against the merger of the Department of Labor into the department of commerce. They justly claimed that such course or merger would not best subserve the interests of labor, and in effect that this measure would not be an advance of the position now held by labor under existing law. We now have an independent Bureau of Labor. This bill proposes to give it a subordinate and dependent place under a secretary of commerce. This measure as it is will not do full justice to the labor interests and is not in accord with the wishes of the millions of laboring people who constitute our great industrial army carrying forward the banner of progress in the march of civilization.

Life and Character of the Late Hon. Reese C. De Graffenreid.

REMARKS
OF
HON. RICHARD BARTHOLDT,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, that the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That, as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. BARTHOLDT said:

Mr. SPEAKER: When on September 2 of last year the Congressional funeral party arrived with what was mortal of the late Hon. REESE C. DE GRAFFENREID at his beautiful little home town of Longview, in the State of Texas, they found upon every hand evidences and manifestations of the most genuine grief. All elements of the population showed a keen realization of the great loss they had sustained, and while their sorrow was mute, it was yet eloquent and conclusive proof of the enviable popularity and esteem which our departed friend had enjoyed among his own people.

To those of us who had come in close personal contact with him, this was no revelation. His loyalty to the cause of the people, their interests and concerns, great and small, was bound to beget popularity and to find a generous response. His personal characteristics, too, were such as to make him friends. There was no false in him. He was frank and openhearted, and the strong, manly instincts which moved and prompted him to fight with the courage of his convictions were mollified by the gentleness of a kind and sympathetic heart. Never did he pretend to be what in reality he was not, and all sham and hyprocrisy were repugnant to his nature.

He did not move among his fellowmen meekly and with upturned eyes, but he looked every one squarely in the face and gave him the hand shake of an honest man. He always stood his ground well, and in his national political associations he succeeded in a remarkably short time to surround himself with the nimbus of a strong personality and of typical American manhood.

One of his strong traits was gratitude to those who befriended him, and I have met no man who prized more highly the honor which his constituents had bestowed upon him or labored more diligently to deserve and prove himself worthy of it.

It was my privilege to speak a few words to the many mourners and friends who had assembled around the open casket at Longview, the last resting place of Mr. DE GRAFFENREID, and, with the permission of the House, I will in part repeat these remarks here:

In paying a last tribute to the memory of our departed friend, I do so in behalf of the Republican members of Congress whom on this sad occasion I am called upon to represent. He was your townsman and your Congressman; to the State and nation he was a faithful servant and an honest and able statesman; to me he was more; to me he was a dear personal friend. His geniality, his uprightness, his sterling character, and particularly his tolerance toward those who differed from him politically, had made him as popular on the Republican side of the House as he was among his own political friends; and if it is any consolation for you to know it, I will frankly say that among those who to-day are stricken with genuine grief on account of his untimely summons there are hundreds and thousands who, while belonging to another party, honored and loved him because he was a truly good man.

He came from that sturdy race which has done so much for the uplifting and the development of this mighty empire State of the South, and the characteristics of which distinguished him in public and private life.

"De," as we familiarly called him (had we loved him less we would have been less familiar), was always in the harness for his constituents. He never shirked a duty, and because of his conscientious zeal there was a feeling on the part of all to aid and support him in his purposes, which were always found to be honorable and for the best interests of those whom he so ably represented at Washington.

We mourn deeply with you and the State of Texas the great loss you have sustained by the death of one who has served his party and his country so well, and our sympathies go out to the dear ones he leaves behind him, and who, we hope and trust, will find consolation in the universal esteem in which he was held by all who knew him, and in the sweet memories of him which we shall preserve for evermore.

District of Columbia Appropriation Bill.

SPEECH

OF

HON. CHARLES F. COCHRAN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 20, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 16342) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes—

Mr. COCHRAN said:

Mr. CHAIRMAN: At the last session of Congress I introduced a resolution calling on the Secretary of State for certain information concerning the removal of ancient monuments marking the true boundary of the American territory in Alaska which has been occupied and governed for more than five years by British military and civil officers. At that time the chairman of the Foreign Relations Committee gave us to understand that negotiations were in progress looking to the settlement of what he misnamed the controversy concerning that boundary line.

In my judgment the controversy is over the forcible occupation of territory to which the British have no shadow of a claim and over which our sovereignty is as just and incontestable as it is over the Indian Territory or Oklahoma.

Like Venezuela, the Transvaal, and the Orange Free State, the United States has witnessed British occupation of a rich mining region, followed by a claim of title; but unlike those weak and defenseless countries, we have evinced no resentment of the outrage. It is in line with the traditional policy and conduct of the British Government, excepting only the fact that in general its depredations have been committed against countries too weak to defend themselves.

The discovery of the diamond mines in the Orange Free State, followed by the development of the Transvaal gold mines, sealed the doom of the South African Republics.

The discovery of gold mines in Venezuela would have sounded the death knell of Venezuelan independence had it not been for the intervention of the United States.

In the case of the South African diamond mines the unlawfulness of their appropriation was so flagrant that long after the commission of the crime the matter was taken up by British clergymen, and the enormity of the offense was made so manifest that a veritable storm of public indignation compelled the authorities to pay a paltry sum as pretended compensation for stolen property worth many millions.

The mournful story of the recent war in South Africa—a story replete with convincing proof that in the lexicon of this rapacious power there are no such words as honor, justice, or mercy—is found the bloody sequel. In the blackened ruins of desolated homes and the innumerable graves of the brave defenders of liberty and independence which dot the landscape from Spion Kop to Pretoria are the somber memorials of a crusade incited by cupidity and avarice, and waged with a relentlessness and ferocity seldom excelled by the savages of the jungles—a crusade entered upon with the deliberate purpose of establishing British sovereignty over the Transvaal gold mines.

The controversy over the Venezuelan gold mines is still fresh in the minds of Americans. The discovery of the mines was the signal for claim of sovereignty over a vast area to which theretofore Great Britain had made no claim. Geographers had concurred in describing this country as a part of Venezuela. The map makers, without exception, had included it within the boundaries of the republic. But when gold was discovered the British claim of ownership was brazenly asserted, and the little Republic was told that without parley or discussion this claim must be allowed. It was idle for Venezuela, in her weakness, to challenge the attention of Great Britain to the fact that for centuries the map makers had placed these lands within her borders. The freebooter nation was making ready to take the booty by force, and undoubtedly would have done so had not the United States intervened and compelled the arbitration of the controversy.

Mr. Chairman, who would have believed that this great Republic would ever tamely submit to a similar outrage? And yet I affirm that that is precisely what we have done. It had been said, and truthfully, that the victims of these numerous aggressions were too weak to defend their rights, and it had been believed that had they been capable of self-defense no effort would have been made to despoil them.

But Americans have lived to see Great Britain take possession of American gold fields and establish on American soil a British settlement. They have seen American prospectors and miners expelled from American soil by the aggression of British constabulary and have seen British speculators and promoters seize and acquire title to the richest placer gold mines in the world, and they have seen an American Secretary of State acquiesce in this palpable invasion of American territory, contenting himself with a stipulation that at some future time the two Governments will try to reach an amicable agreement in the premises. So the matter stands.

Mr. Chairman, I declare that by the arts of diplomacy—by twirling our Secretary of State about his finger as a child might a cat's tail—Lord Pauncefote has accomplished in Alaska precisely what British armies have accomplished in other parts of the world by menace and by force. He has reduced to British ownership a vast region in which are the richest gold mines in the world.

I hold in my hand a complete digest and history of the Alaskan boundary controversy, written and contributed to the Franklin Institute Journal by Thomas Willing Balch, a distinguished, capable, and conscientious investigator, student, and writer. No man can read it without coming to the conclusion that Great Britain never at any time between the date of the negotiation of her treaty with Russia fixing the boundary between Alaska and the British possessions and 1898 set up any claim of ownership of the disputed territory; that, on the contrary, the very territory now in dispute was held by Russia down to the time of our purchase of Alaska, and that we held it down to 1898 without intimation of a claim of title by Great Britain.

Furthermore, that during Russia's occupation of it the Hudson Bay Company, an English trading company, with the consent of the British Government, and the Russian Trading Company, with the consent of the Russian Government, entered into a contract by which a portion of the territory in dispute was leased to British traders by Russian traders, that the British paid a consideration, first in furs and other commodities, and later a cash consideration of $7,000 a year for the right of occupation of the territory to which they now claim title.

It only requires a casual investigation of public documents easily accessible to convince any investigator that there is no shadow of a foundation for the British claim to the territory she acquired by forcible invasion and holds by virtue of an agreement which is disgraceful to American diplomacy and a stigma upon national honor. Every line of the correspondence between Russia and England during the negotiation of the treaty fixing the boundary; the terms of the treaty itself; every map known to the world during seventy-five years that elapsed before the preposterous claim was advanced; the official charts of the British Admiralty; the geographies used in all the schools in Christendom, including the schools, colleges, and universities of Great Britain from 1828 until 1898—all these written and printed testimonials, coupled with Russian occupation until 1868, followed by American occupation until 1898, are arrayed against what—the forcible occupation of the country by the Canadian mounted police, and the naked and baseless claim of British ownership!

Mr. Chairman, as a full presentation of the case, I here present as part of my remarks, the whole case, the paper I have referred to. It quotes copiously from the diplomatic correspondence, and contains a concise history of the negotiations between Russia and Great Britain which resulted in fixing the boundary so unmistakably that there is no possible ground for dispute:

THE FRANKLIN INSTITUTE—ANNUAL MEETING HELD WEDNESDAY, JANUARY 15, 1902—THE ALASKO-CANADIAN FRONTIER.

[By Thomas Willing Balch.]

At the end of May, 1898, the United States and Great Britain agreed to appoint an Anglo-American Joint High Commission to consider and arrange upon a basis more favorable to both sides, such important problems as the regulations of the North Atlantic fisheries, commercial reciprocity, and the Bering Sea fishery question. Soon after, "for the first time a statement was presented by the British Government to the Government of the United States

on the 1st of August, 1898, developing the fact that a difference of views existed respecting the provisions of the treaty of 1825" between the United States and the English Empire, concerning the meaning of the Alaskan frontier as defined in the Anglo-Russian treaty of 1825;[a] and on August 23 the British Government claimed that the eastern boundary of Alaska should run from the extremity of Prince of Wales Island at 54° 40′, along the estuary marked on recent maps as Pearse Canal, up to the top of the Portland Canal, from there straight to the coast and then along the mountains on the mainland nearest to the shore and across all the sinuosities of the sea that advance into the continent up to Mount St. Elias. ("The Alaskan boundary," by Hon. John W. Foster: The National Geographic Magazine, November, 1899, Washington, p. 455.)

By the treaty negotiated at St. Petersburg and signed there on February 16-28, 1825, the Muscovite and the British Empires agreed, in Articles III and IV of the treaty, upon the following divisional line between their respective North American possessions ("Fur-Seal Arbitration," Washington, Government Printing Office, 1895; Vol. IV, pp. 42-43):

"ARTICLE III.

"The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of America to the northwest shall be drawn in the manner following:

"Commencing from the southernmost part of the island called Prince of Wales Island, which point lies in the parallel of 54° 40′ north latitude, and between the one hundred and thirty-first and one hundred and thirty-third degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the fifty-sixth degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian); and finally from the said point of intersection the said meridian line of the one hundred and forty-first degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the northwest.

"ARTICLE IV.

"With reference to the line of demarcation laid down in the preceding article, it is understood:

"First. That the island called Prince of Wales Island shall belong wholly to Russia.

"Second. That wherever the summit of the mountains, which extend in a direction parallel to the coast from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall prove to be at a distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings (sinuosities) of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.[b]

"The negotiations that resulted in the treaty of 1825 were originated by an ukase promulgated in 1821 by Emperor Alexander I, in which, in addition to claiming exclusive jurisdiction for Russia in the waters of Bering Sea and a large part of the northern part of the Pacific Ocean, he extended also the territorial claims of Russia from the fifty-fifth degree, as claimed by the ukase of 1799, issued by the Emperor Paul, down to the twenty-first degree of north latitude. The United States and Great Britain both protested against the pretensions of sovereignty asserted in the ukase of 1821. In 1824 the United States and the Russian Governments signed a treaty in which, among other things, they agreed on the parallel of 54° 40′ as the divisional line between their respective territorial claims. All below that line Russia agreed to leave to the United States to contest with Great Britain, and all above it the United States consented to leave to Russia to dispute with England."

Meanwhile the course of negotiations between Russia and England did not progress as smoothly; but finally, in February, 1825, nearly a year after the signing of the Russo-American treaty, the Russian and the English plenipotentiaries signed the treaty containing the two articles above quoted. For more than half a century the British Empire never contested the interpretation openly placed by both the Muscovite and the United States Governments that under those two articles, first Russia and later—after the cession of Russian America or Alaska, in 1867, to the American Union—the United States were entitled to a strip of territory (lisière) on the mainland from the Portland Channel or canal in the south up to Mount St. Elias in the north, so as to cut off absolutely the British possessions from access to the sea above the point of 54° 40′. In August, 1898, for the first time, the British Empire formally claimed at the Quebec conference that the proper reading of those two articles entitled Canada to the upper part of most or all of the fiords between the Portland Canal and Mount St. Elias.

A review of the negotiations during the years 1822, 1823, 1824, and 1825, between Count Nesselrode and M. de Poletica in behalf of Russia, and first of Sir Charles Bagot and afterwards of Mr. Stratford Canning, later Lord Stratford de Redcliffe, for Great Britain, shows clearly that the agreement finally reached as embodied in the treaty of 1825 was to exclude the British North American territory from all access to the sea above the point of 54° 40′. From the very inception of the negotiations, the Russians insisted upon the possession for Russia of a strip or lisière on the mainland from the Portland Channel up to Mount St. Elias expressly to shut off England from acess to the sea at all points north of the Portland Canal.

Sir Charles Bagot, on behalf of England, fought strenuously to keep open a free access to the sea as far north above the line of 54° 40′ as possible. First he proposed that the line of territorial demarcation between the two countries should run "through Chatham Straits to the head of Lynn Canal, thence northwest to the one hundred and fortieth degree of longitude west to the Polar Sea." (Fur Seal Arbitration, Vol. IV, p. 424.) To this Count Nesselrode and M. de Poletica replied with a contre-projet in which they proposed that the frontier line, beginning at the southern end of Prince of Wales Island, should ascend the Portland Canal up to the mountains; that then from that point it should follow the mountains parallel to the sinuosities of the coast up to the one hundred and thirty-ninth degree of longitude west from Greenwich, and then follow that degree of longitude to the north. (Fur Seal Arbitration, Vol. IV, p. 427.)

At the next conference Sir Charles Bagot gave Count Nesselrode and M. de Poletica a written modification of his first proposition. In this new proposal he first stated that the frontier that they demanded would deprive Great Britain of sovereignty over all the anses and small bays that lie between 56° and 54° 40′ of latitude, and that owing to the proximity of these fiords and estuaries to the interior posts of the Hudson Bay Company they would be of essential importance to the commerce of that company; while on the other hand, the Russian-American Company had posts neither on the mainland between those degrees of latitude nor even on the neighboring islands. Sir Charles proposed that the line of separation should pass through "the middle of the canal that separates Prince of Wales Island and Duke of York Island from all the islands situated to the north of the said islands until it (the line) touches the mainland." Then advancing in the same direction to the east for 10 marine leagues, the line should then ascend toward the north and northwest, at a distance of 10 marine leagues from the shore, following the sinuosities of the coast up to the one hundred and fortieth degree of longitude west from Greenwich and then up to the north. (Fur Seal Arbitration, Vol. IV, p. 428.)

At the next conference the Russian plenipotentiaries again insisted upon their original proposal that the frontier line should ascend the Portland Canal and then follow the mountains bordering the coast line.

Sir Charles Bagot then brought forward a third boundary line, that, passing up Duke of Clarence Sound and then running from west to east along the straits separating Prince of Wales Island and Duke of York Island to the north, should then advance to the north and the northwest in the way already proposed. (Fur-Seal Arbitration, Vol. IV, p. 430.)

But again the Russian diplomats insisted on their original proposition. On April 17, 1824, Count Nesselrode addressed to Count Lieven, the Russian ambassador at London, a long and exhaustive review of the negotiations with Sir Charles Bagot, and instructed Count Lieven to press the Russian views upon the English cabinet. In that communication, after speaking of Russia's declaration at the beginning of the negotiations that she would not insist upon the claim to the territory down to the fifty-first degree, put forward in the ukase of 1821, and that she would be content to maintain the limits assigned to Russian America by the ukase of 1799, he went on to say "that consequently the line of the fifty-fifth degree of north latitude would constitute upon the south the frontier of the States of His Imperial Majesty, that upon the continent and toward the east this frontier could run along the mountains that follow the sinuosities of the coast up to Mount St. Elias, and that from that point up to the Arctic Ocean we would fix the limits of the respective possessions according to the line of the one hundred and fortieth degree of longitude west from Greenwich.

"In order not to cut Prince of Wales Island, which according to this arrangement should belong to Russia, we proposed to carry the southern frontier of our domains to 54° 40′ of latitude and to make it reach the coast of the continent at the Portland Canal, whose mouth opening on the ocean is at the height of Prince of Wales Island and whose origin is in the lands between the fifty-fifth degree and fifty-sixth degree of latitude."

Russia, by limiting her demands to those set forth in the ukase of 1799, simply defended claims against which for over twenty years neither England nor any other power had ever made a protest. England, on the contrary, sought to establish her right to territory which she had thus passively recognized as Russian and which lay beyond any of her settlements. Count Nesselrode contrasted the policy of the two States in a pithy sentence: "Thus we wish to retain and the British companies wish to acquire."

The negotiators were thus brought face to face with their rival claims. The Russians insisted, on the one hand, that they must have possession of a lisière or strip of territory on the mainland in order to support the Russian establishments on the islands and to prevent the Hudson Bay Company from having access to the sea and forming posts and settlements upon the coast line opposite to the Russian islands, while Sir Charles Bagot maintained, on the other hand, that Great Britain must have such part of the coast and inlets north of 54° 40′ as would enable the English companies and the settlements back from the coast to have free access to the fiords and estuaries opening into the ocean.

After a few months Mr. George Canning, the English foreign secretary, instructed Sir Charles Bagot to agree to the Portland Channel as part of the frontier line; but with the reservation, first, that the eastern line of demarcation should be so defined as to guard against any possibility, owing to subsequent geographical discoveries, that it could be drawn at a greater distance from the coast than 10 marine leagues, and, secondly, that the harbor of Novo-Archangelsk (now Sitka) and the rivers and creeks on the continent should remain open forever to British commerce.

During the course of the new negotiations between Count Nesselrode and M. de Poletica in behalf of Russia and of Sir Charles Bagot for England the second of these two points was the main object of discussion. Sir Charles was unable to conclude a treaty with the Russian diplomats, for the latter refused to agree to open forever the port of Novo-Archangelsk to British commerce. Neither were they willing to grant to the subjects of England the right forever to navigate and trade along the coast of the lisière that it was proposed Russia should have. The British ambassador, realizing that it was impossible for him to negotiate a treaty in accordance with his instructions, soon thereafter left St. Petersburg.

In the latter part of the year 1824 Great Britain appointed Mr. Stratford Canning, later Lord Stratford de Redcliffe, one of the ablest of her diplomats, to continue the negotiations left unfinished between Sir Charles Bagot and Count Nesselrode and M. de Poletica. When Canning took up the negotiations Great Britain had receded from all contentions except as to the width of the lisière. In his instructions he received power to arrange for a line of demarcation that should run along the crest of the mountains, except where the mountains were more than 10 marine leagues from the shore, in which case the frontier should follow at a distance of 10 marine leagues inland the sinuosities of the shore. With these new instructions Stratford Canning was able to conclude a treaty to which Sir Charles Bagot could not have agreed, and on February 16 to 28, 1825, Stratford Canning, on behalf of Great Britain, and Count Nesselrode and M. de Poletica, for Russia, signed a treaty definitely dividing Canada and Russian America.

George Canning, toward the end of his instructions to Stratford Canning, showed what was the chief motive of England in the pending negotiations with Russia. He wrote:

"It remains only in recapitulation to remind you of the origin and principles of this whole negotiation.

"It is not on our part essentially a negotiation about limits.

"It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent, but a demand qualified and mitigated in its manner in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

"We negotiate about territory to cover the remonstrance upon principle.

"But any attempt to take undue advantage of this voluntary facility we must oppose." (Fur Seal Arbitration, Vol. IV, p. 448.)

Thus the chief reason of the English Government was to obtain from that of Russia an official disclaimer of the assertion in the ukase of 1821 that the

[a] Copyright, 1902, by Thomas Willing Balch. Vol. CLIII, No. 915. "The Alaskan boundary," by Hon. John W. Foster: The National Geographic Magazine, November, 1899, Washington, page 453. Mr. Foster, the able author of this article, was Secretary of State, 1892-93, in the Harrison Administration, and has been from the beginning one of the United States members of the Joint High Commission. In collecting maps on the subject of the Alaskan frontier I have received kind aid from Mr. P. Lee Phillips, chief of the map division of the Library of Congress, and Mr. Tittmann and Mr. Andrew Braid, of the United States Coast and Geodetic Survey, at Washington, D. C.

[b] Owing to the importance of the French text, which the British Government in its printed argument in the Bering Sea seal fisheries case (Fur Seal Arbitration, Vol. IV, p. 500) recognized as the official version, and the fact that French is the diplomatic language of the world, which was probably much more the case in 1825 than to-day, the French text is given.

waters of Bering Sea and parts of the northern Pacific were exclusively Russian waters. Russia would not assent to formally recognize the right of English ships freely to navigate those seas unless the boundary question was also arranged and settled so as to insure to Russia an unbroken lisière from the Portland Canal up to Mount St. Elias. And on this last point England, after a long and stubborn resistance, finally yielded.

Much of the trouble that the negotiators of the Anglo-Muscovite treaty of 1825 had in agreeing upon the eastern boundary of the lisière was due to a lack of knowledge respecting the mountains along the northwest American coast. According to Vancouver's chart and other available information a mountain range ran along the coast not far from the sea. When Stratford Canning and Count Nesselrode and M. de Poletica finally agreed upon the mountain divide as the frontier between the two nations, Canning, acting upon instructions from his cousin, George Canning, who was British secretary of foreign affairs, insisted that should the summit of the mountains prove to be at any point more than 10 marine leagues from the shore, then the line of demarcation should be drawn parallel to the sinuosities of the shore at a distance of 10 marine leagues. This 10-league limit to the eastward was inserted on purpose, as George Canning stated in his instructions to Stratford Canning, to guard England against a possibility of having her territory pushed back to the eastward a hundred miles or more from the sea in case the crest of the mountains was found in reality to lie far back from the cost instead of close to it, as was then supposed.

Thus a review of the negotiations that culminated in the Anglo-Muscovite treaty of 1825 shows clearly that the negotiators of that treaty intended to include within the Russian territory a lisière on the mainland, stretching from the Portland Canal in the south up to Mount St. Elias in the north, and extending between those points far enough inland to exclude the English possessions absolutely from access to the coast line above 54° 40′.

The treaty was drawn in French, and an English copy was also prepared. In the French version, the language of diplomacy (Fur-Seal Arbitration, Vol. IV, p. 500 et seq. Principes du Droit des Gens, par Alphonse Rivier: Paris, 1896, vol. II, p. 19. Introduction to the Study of International Law, by Theodore D. Woolsey; New York, 1888, fifth edition, p. 270), it is said that the inland frontier of the lisière shall be a line drawn "parallèle aux sinuosités ('windings' in the English version) de la côte."

The meaning of the phrase is made absolutely clear by the use of the word "sinuosités." Littré, who was a member of l'Académie Française, defines, in his Dictionnaire de la Langue Française, "sinuosités" as meaning: "Qualité de ce qui est sinueus. Cette rivière fait beaucoup de sinuosités. 'Il allait dans aumes de Danemark et de Suède, pour mesurer toutes les sinuosités.' Font. Czar Pierre. 'Les Jeunes Déliens se mêlèrent avec eux (les Athéniens) pour figurer les sinuosités du labyrinthe de Crète.' Barthél. Anach., ch. 76." (Littré, Paris, Hachette et Cie., 1873.) Webster defines sinuosity to mean: "1. The quality of being sinuous, or bending in and out. 2. A series of bends and turns in arches or other irregular figures; a series of windings. 'A line of coast certainly amounting with its sinuosities to more than 700 miles.' S. Smith." (An American Dictionary of the English Language, revised by Professors Goodrich and Porter, of Yale; Springfield, Mass., 1876.)

Thus the use of the word "sinuosités," independently of all other evidence, shows that the negotiators of the treaty meant to include within the Russian lisière the whole of the Lynn Canal and all other fiords above the Portland Canal.

Aside, however, from the manifest intent of the negotiators as thus revealed, the meaning and understanding of both the British and the Russians as to the definite frontier for which they arranged between their respective Empires in the treaty of 1825 is conclusively proved, first, by the overwhelming multitude of maps of the best cartographers of the various leading powers of the world, including those of England and Canada, in sustaining the boundary always claimed in the beginning by Russia and afterwards by the United States; secondly, by the acts of the British and the Canadian authorities until well toward the close of the nineteenth century.

In the year 1825, shortly after the treaty defining the frontier between Russian and British North America became known, A. Brué, one of the leading French cartographers, published at Paris a map entitled "Carte de l'Amérique Septentrionale: Rédigée par A. Brué, Géographe du Roi; Atlas Universal, Pl. 8." On this map Brué drew the boundary of Russian America on the continent, from the top of the Portland Canal at the distance of 10 marine leagues from tide water round all the sinuosities up to the one hundred and forty-first degree of longitude, and then along that meridian to the north. Two years later, in 1827, the celebrated Russian admiral and navigator, A. J. de Krusenstern, published at St. Petersburg, "par ordre de Sa Majesté Impériale," a "Carte Générale de l'Ocean Pacifique, Hemisphère Boréal." Krusenstern drew on the mainland the frontier of Russian America from the top of the Portland Canal round the sinuosities of the shore at a distance of 10 marine leagues from tide water up to the one hundred and forty-first degree, and then northward along that meridian.

Along the line of the one hundred and forty-first degree is inscribed, "Limites des possessions Russes et Anglaises d'aprés le Traité de 1825." Two years later, in 1829, there appeared at St. Petersburg a map of the eastern extremity of Siberia and the northwest coast of America. This map was "No. 59° (b)" of the "Atlas Géographique de l'Empire de Russie," etc., that was prepared by Functionary Piadischeff. On this map Piadischeff drew the Russo-British frontier from Mount St. Elias down to the top of the Portland Canal, and then along that sinuosity down to the sea at 54° 40′, thereby shutting off Britain from access to the sea above 54° 40′.

The British Government made no protest against the way Krusenstern and Piadischeff had marked the boundary. On the contrary, a few years later, in 1831, a map was prepared by Joseph Bouchette, jr., "deputy surveyor-general of the Province of Lower Canada," and published the same year at London by James Wyld, geographer to the King, and "with His Majesty's most gracious and special permission, No. 1 most humbly and gratefully dedicated * * * to His Most Excellent Majesty King William IV * * * compiled from the latest and most approved astronomical observations, authorities, and recent surveys." It reaffirmed the boundary as given upon Krusenstern's imperial map. Again, in a Narrative of a Journey Round the World During the Years 1841 and 1842, by Sir George Simpson, Governor-in-Chief of the Hudson's Bay Company's Territories in North America, published at London in 1847 (London: Henry Colburn, 1847; there is a copy of this work in the British Museum), a map in volume 1, showing the author's route, gives the line of demarcation between the Russian and the English territories as it was laid down by Krusenstern in his map of 1827.

Ten years later, in 1857, an investigation into the affairs of the Hudson Bay Company was held by a special committee of the House of Commons. At that investigation Sir George Simpson, who was examined, presented a map of the territory in question, and, speaking for the company, said: "There is a margin of coast, marked yellow on the map from 54° 40′ up to Cross Sound, which we have rented from the Russian Company." This map shows that the strip of land on the continent extended far enough inland to include all the sinuosities of the coast so as to exclude, according to the United States claims, the British territory altogether from any outlet upon salt water above 54° 40′.

Again in 1867, about the time of the sale by Russia to the United States of Russian America, to which William H. Seward gave the name of Alaska (Seward at Washington as Senator and Secretary of State, by Frederick W. Seward. New York: 1891, Vol. III, p. 369. Concerning the sale of Alaska by Russia to the United States, see Speech of Hon. Charles Sumner, of Massachusetts, on the Cession of Russian America to the United States, 1867, passim, and The Alabama Arbitration, by Thomas Willing Balch. Philadelphia: 1900, pp. 24–38), Black's General Atlas of the World was published at Edinburgh. In the introduction of this work the following description of Russian America is given:

"Russian America comprehends the northwestern portion of the continent, with the adjacent islands, extending from Bering Strait east to the meridian of Mount St. Elias (about 141° W.), and from that mountain southward along the maritime chain of hills till it touches the coast about 54° 40′."

Then on three maps of this atlas, "The World," No. 2, "The World on Mercator's Projection," No. 3, and "North America," No. 39, the Russian territory from Mount St. Elias down to the end of the Portland Canal at 54° 40′ is marked so as to include within the Muscovite possessions all fiords and estuaries along the coast, and thus cutting off the British territory entirely from all access to tide water above 54° 40′. In addition there is given a small map marked at the top "Supplementary sketch map, Black's General Atlas, for plate 41," and at the bottom, "United States after Cession of Russian American, April, 1867, coloured blue." On this sketch map the territory purchased by the United States is marked "Formerly Russian America," and, like the rest of the United States, it is colored blue. And the boundary of the new territory of Alaska is given as upon the other three maps of this atlas, Nos. 2, 3, and 39, already cited, according to Brue's map of 1825, and Krusenstern's map of 1827, and the Canadian and the English maps already referred to, and in accordance with the territorial claim that Russia and the United States have always maintained and acted upon.

Many other maps can be mentioned, in addition to those above quoted, against Britain's recent claim. For examples, Petermann's map in the Mittheilungen of April, 1869; Thomas Devine's map, prepared and printed in 1877 at Toronto by order of the Canadian government; Alexander Keith Johnston's map of "North America," in his "Handy Royal Atlas of Modern Geography," published at Edinburgh and London in 1881; E. Andriveau-Goujon's map of "l'Amérique du Nord," published at Paris in 1887; and, finally, the wall map (1897) of the "United States," by Edward Stanford ("The United States." London: Published by Edward Stanford, 26 and 27 Cockspur street, Charing Cross, S. W., July 15, 1897), an important map maker of London to-day, give to Alaska the limits always claimed since 1825 by Russia and the United States.

Some maps—for example, "The World," by James Gardner, published in 1825 and dedicated "To His Most Gracious Majesty George IV:" "Nord America, Entworfen andgezeichenet von C. F. Weiland," 1826 and a "Carte Physique et Politique par A. H. Brué," 1827—bring the Russian boundary on the mainland from Mount St. Elias down only to a point about halfway opposite Prince of Wales Island at about 56°, and then along the estuaries, so as to include all of Prince of Wales Island in the Russian territory, instead of carrying the frontier to the top of the Portland Canal and then down to the sea at about 54° 40′. But for all the territory above the point on the continent about halfway opposite Prince of Wales Island up to the 141° west from Greenwich, these maps give the divisional line between the Muscovite and the British territories far enough inland and around the sinuosities of the coast so as to cut off the British territory from all contact with tide water.

Besides, Weiland, in a map of 1843, corrected his error in his map of 1826 in stopping a little short of the Portland Canal in marking the Russo-Canadian boundary; and in Bruce's maps of 1833 and 1839 the divisional line is given as it was marked on his map of 1825. Gardner's map is overwhelmed by the multitude of English and Canadian maps—governmental and private—that followed Krusenstern's delineation of the line of demarcation. And additional proof of how far south the negotiators of the treaty of 1825 intended that the Russian lisière should extend when they used the phrase, "la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme ou elle atteint le 56 degré de latitude nord," is clearly shown by Vancouver's chart, upon which he inscribed the name of "Portland Canal." ("A chart showing part of the coast of northwest America with the tracks of His Majesty's sloop *Discovery* and armed tender *Chatham*, commanded by George Vancouver.")

Probably the most important English map as showing what the best geographers of the British Government thought, until very recently, was the true boundary, is the British "Admiralty Chart No. 787," giving the northwest coast of America from "Cape Corrientes, Mexico, to Kadiak Island," prepared in 1876, by F. J. Evans, R. N., published in 1877, and corrected up to April, 1898. On this chart of the British Admiralty, the frontier of the United States descends the 141° of longitude west from Greenwich, and then advancing on the continent but passing round the sinuosities of the coast so as to give a continuous lisière of territory cutting off the Dominion of Canada from all contact with any of the fiords or sinuosities that bulge into the continent between Mount St. Elias and the Portland Canal, the frontier is drawn to the head of the Portland Canal in about 56°, and then down that sinuosity, striking Dixons entrance at 54° 40′. Thus the British Admiralty itself upholds the territorial claims held and maintained by both the Russian and the United States Governments. ("I bought the copy of this chart, from which map Plate VIII is reproduced, at Edward Stanford's 26 and 27 Cockspur street, Charing Cross, S. W., London, in September, 1901, showing that up to that date, at least, the British Admiralty agreed with the United States as to the frontier.")

The English and the Canadian governments, through their official representatives, have again and again recognized the claim of Russia down to 1867, and since then that of the United States, that the area of Russian America, or Alaska, comprises an unbroken strip of territory on the continent, extending from Mount St. Elias in the north to the Portland Canal in the south; that this strip of land encircles all the sinuosities of the shore, and that by this strip the Dominion of Canada is cut off from all contact with the indentations of the sea along the northwest coast of the continent between the Portland Canal at about 54° 40′ north latitude and Mount St. Elias. From these numerous official acts a few are presented here.

In 1857 "a select committee" of the House of Commons of the British Parliament was appointed "to consider the state of those British possessions in North America which are under the administration of the Hudson Bay Company, or over which they possess a license to trade."[a] The committee consisted of 19 members in all, among whom were Mr. Secretary Labouchere (chairman), Lord John Russell, Lord Stanley, Mr. Edward Ellice (a native of Canada and a director of the Hudson Bay Company), Mr. Gladstone, Mr. Roebuck, and Sir John Pakington. The committee examined, among others, Sir George Simpson, who for thirty-seven years was the governor of

[a] Parliamentary papers, 1857. Accounts a—Report XV: Report from the select committee on the Hudson Bay Company, together with the proceedings of the committee, minutes of evidence, appendix, and index. Ordered, by the House of Commons, to be printed July 31 and August 11, 1857.

Second session, 1857. Veneris, 5° die mali, 1857:

Ordered, That a select committee be appointed "to consider the state of those British possessions in North America which are under the administration of the Hudson Bay Company, or over which they possess a license to trade." (P. 11.)

the territories of the Hudson Bay Company. Part of Sir George Simpson's testimony was as follows:

"1026. Besides your own territory, I think you administer a portion of the territory which belongs to Russia under some arrangement with the Russian Company?—There is a margin of coast marked yellow in the map from 54° 40′ up to Cross Sound which we have rented from the Russian-American Company for a term of years.

"1027. Is that the whole of that strip?—The strip goes to Mount St. Elias.

"1028. Where does it begin?—Near Fort Simpson, in latitude 54°; it runs up to Mount St. Elias, which is farther north.

"1029. Is it the whole of that strip which is included between the British territory and the sea?—We have only rented the part between Fort Simpson and Cross Sound.

"1030. What is the date of that arrangement?—That arrangement, I think, was entered into about 1839.

"1031. What are the terms upon which it was made; do you pay a rent for that land?—The British territory runs along inland from the coast about 30 miles; the Russian territory runs along the coast; we have the right of navigation through the rivers to hunt the interior country. A misunderstanding existed upon that point in the first instance; we were about to establish a post upon one of the rivers, which led to very serious difficulties between the Russian-American Company and ourselves; we had a long correspondence, and to guard against the recurrence of these difficulties it was agreed that we should lease this margin of coast, and pay them a rent; the rent, in the first instance, in otters; I think we gave 2,000 otters a year; it is now converted into money; we give, I think, £1,500 a year."

It will be observed from the foregoing questions and the replies of Sir George Simpson that the Hudson Bay Company in 1839 recognized by an official act, to wit, a lease of Russian territory, that Russia had a lisière on the continent from Mount St. Elias almost down to Fort Simpson, and that owing to this strip of land the British territory was pushed back about 30 miles "inland from the coast." In addition, it will be noted that Sir George Simpson, in describing the positions and extent of the land rented by his company from the Russian company, referred to a map that he showed the committee and upon which the lisière belonging to Russia was marked so as to include the sinuosities of the coast, the Lynn Canal, and all the other fiords above 54° 40′ entirely, and so cutting off the English territory absolutely from all contact with tide water.

Subsequently, in the course of Sir George Simpson's examination, the question of the lease of 1839 by the Hudson Bay Company of the Russian lisière again came up, and the following questions and answers were asked and given:

"1732. CHAIRMAN. I think you made an arrangement with the Russian Company by which you hold, under a lease, a portion of their territory?—Yes.

"1733. I believe that arrangement is that you hold that strip of country which intervenes between your territory and the sea, and that you give them £1,500 a year for it?—Yes.

"1734. What were your objects in making that arrangement?—To prevent difficulties existing between the Russians and ourselves—as a peace offering.

"1735. What was the nature of those difficulties?—We were desirous of passing through their territory, which is inland from the coast about 30 miles. There is a margin of 30 miles of coast belonging to the Russians. We had the right of navigating the rivers falling into the ocean, and of settling the interior country. Difficulties arose between us in regard to the trade of the country, and to remove all those difficulties we agreed to give them an annual allowance. I think, in the first instance, 2,000 otter skins, and afterwards £1,500 a year.

* * * * * * *

"1738. During the late war (the Crimean) which existed between Russia and England, I believe that some arrangement was made between you and the Russians by which you agreed not to molest one another?—Yes; such an arrangement was made.

"1739. By the two companies?—Yes; and Government confirmed the arrangement.

"1740. You agreed that on neither side should there be any molestation or interference with the trade of the different parties?—Yes.

"1741. And I believe that that was strictly observed during the whole war?—Yes.

"1742. Mr. BELL. Which Government confirmed the arrangement, the Russian or the English, or both?—Both Governments."

This additional information shows that the English company rented the lisière from the Russian company because the lisière shut off the English company from access to the fiords of the sea that advanced into the continent. And further, these questions and replies prove that the English Government by confirming the agreement of the English company with the Russian not to interfere with each other while their respective Governments were busy waging war in other parts of the world during the years 1854, 1855, and 1856, recognized and sanctioned the claim of Russia that she had an unbroken lisière on the mainland extending far enough inland so as to envelop within her own domains the Lynn Canal and all the fiords that penetrate into the continent above the Portland Canal.

Some twenty years after the investigation by the House of Commons into the affairs of the Hudson Bay Company, the Canadian government, through the intermediary of the British foreign office, formally recognized that the lisière of Alaska shut off Canadian territory from access to the sea.

It was in 1876, while taking a prisoner named Peter Martin, who was condemned in the Cassiar district of British Columbia for some act committed in Canadian territory, from the place where he was convicted to the place where he was to be imprisoned, that Canadian constables crossed with the prisoner the United States territory lying along the Stickine River. They encamped with Martin at a point some 13 miles up the river from its mouth. There Martin attempted unsuccessfully to escape, and made an assault on an officer. Upon his arrival at Victoria, the capital of British Columbia he was tried and convicted for his attempted escape and attack upon the constable, and the court sentenced him.

The Secretary of State, Hamilton Fish, protested against this infringement of the territorial sovereignty of the United States in the Territory of Alaska. In a letter to Sir Edward Thornton, the English minister at Washington, he said:

"I have the honor, therefore, to ask again your attention to the subject and to remark that if, as appears admittedly to be the fact, the colonial officers in transporting Martin from the place at which he was convicted to his place of imprisonment, via the Stickine River, did conduct him within and through what is the unquestioned territory of the United States, a violation of the sovereignty of the United States has been committed, and the recapture and removal of the prisoner from the jurisdiction of the United States to British soil is an illegal act, violent and forcible act, which can not justify the subsequent proceedings whereby he has been, is, or may be restricted of his liberty."

The transit of the constables with their prisoner, Martin, through American territory was not due to a mistake on their part as to the extent of Canadian territory, for J. B. Lovell, a Canadian justice of the peace in the Cassiar district of British Columbia, wrote to Captain Jocelyn, in command at Fort Wrangel, saying:

"The absence of any jail here (Glenora, Cassiar), or secure place of imprisonment, necessitates sending him through as soon as possible, and I hope you will excuse the liberty we take in forwarding him through United States territory without special permission."

After an investigation into the facts of the case, the Dominion government acknowledged the justness of Secretary Fish's protest by "setting Peter Martin at liberty without further delay," and thus recognized that the Canadian constables who had Martin in their charge when they encamped on the Stikine, 13 miles up from the mouth of the river, were on the United States soil, and so that Canada's jurisdiction in that region did not extend to tide water. (Papers relating to the Foreign Relations of the United States. Washington: Government Printing Office, 1877, pp. 266, 267, 271.)

Another recognition by the British Empire that the lisière restricted Canadian sovereignty from contact with the sea occurred shortly after the case of Peter Martin.

Owing to a clash between the United States and the Canadian customs officials as to the extent of their respective jurisdiction on the Stikine River, their two Governments agreed in 1878 upon a provisional boundary line across that river. The Canadian government had sent in March, 1877, one of the engineer officers, Joseph Hunter, "to execute," in the language of Sir Edward Thornton to Secretary Evarts, "a survey of a portion of the Stikine River for the purpose of defining the boundary line where it crosses that river between the Dominion of Canada and the Territory of Alaska."

This Canadian engineer, Hunter, after measuring from Rothsay Point, at the mouth of the Stickine River, a distance 10 marine leagues inland, determined—in the light of Articles III and IV of the Anglo-Russian treaty of February 16-28, 1825, which two articles he was instructed expressly "by direction of the minister of the interior" to consider in locating the boundary—that the frontier crossed the Stickine at a point about 25 miles up the river and about 20 miles in a straight line from the coast.

Without considering whether, owing to the break in the watershed caused by the passage of the Stickine through the mountains, the United States territory extends inland to the full extent of 30 miles, Hunter decided that the line should cross the river at a point 20 miles back from the coast, but still far enough back from the mouth of the river to shut off Canadian territory from contact in that district with the sea. He came to this decision, because he found that at that point a range of mountains parallel to the coast crossed the Stickine River, and, as he stated expressly in his report to his chief, he acted upon the theory that this mountain range followed the shore line within the meaning of the treaty of 1825 as he understood it. In his report to his Government he said:

"Having identified Rothsay Point on the coast at the delta of the Stickine River, a monument was erected thereon, from which the survey of the river was commenced, and from which was estimated the 10 marine leagues referred to in the convention.

"The Canadian Government sent a copy of this report, together with a map explaining it, through the British foreign office to Sir Edward Thornton at Washington, who communicated it to Secretary William M. Evarts, with the purpose of obtaining his acceptance of this boundary. Mr. Evarts agreed to accept it as a provisional line, but with the reservation that it should not in any way prejudice the rights of the two Governments whenever a joint survey was made to determine the frontier. By this voluntary proposal of a provisional boundary across the Stickine River, the British and the Canadian Governments showed that in 1877 and 1878 they considered that Canadian territory above the point of 54° 40′ was restricted by the meaning of Articles III and IV of the Anglo-Muscovite Treaty of 1825 from access to the sea." ("Papers relating to the foreign relations of the United States." Washington, Government Printing Office, 1878, p. 339.)

The forgoing review of the negotiations that resulted in the treaty of 1825 and the subsequent acts of the nations concerned in the Alaska-Canadian frontier, shows clearly that from the very inception of the negotiations Russia insisted upon the absolute possession of a continuous, unbroken lisière on the continent down to the Portland Channel for the openly expressed purpose of shutting out England from access to the sea above 54° 40′, and that England finally yielded the point.

During Polk's Administration (1845-49), when the United States and Great Britain advanced conflicting claims to the territory lying between the Rocky Mountains and the Pacific Ocean, now known as British Columbia, and the supporters of Polk took up the cry of "Fifty-four forty or fight," Russia offered her American possessions to the United States if they would maintain their claim to the territory west of the Rockies up to 54° 40′, the most southern point of Russian-America, thereby shutting out Britain entirely from access to the Pacific Ocean. ("Papers relating to foreign affairs, accompanying the annual message of the President to the second session of the Fortieth Congress," 1867, Part 1. Washington, Government Printing Office, 1868, p. 390.)

But owing to the jealousy of the slave power our Government yielded all the country west of the Rockies and above the forty-ninth degree of north latitude, and thus permitted the British Empire to obtain an outlet on the Pacific. Not content with this successful territorial extension, the British Empire, after having allowed, without a protest for almost three-quarters of a century, the inclusion by the Muscovite and the United States Government within their sovereignty—as is shown both by the maps and other official acts of these two nations—of all the sinuosities or fiords along the coast of the mainland above 54° 40′, the British Empire now lays claim, since the discovery of gold in the Klondike, to a large and to us most important part of our Alaskan domain. The American and British contentions to-day are well expressed by the pithy sentence in which Count Nesselrode over seventy-five years ago contrasted the efforts of Russia and England when they were seeking to agree upon a frontier between their American possessions: "Ainsi nous voulons conserver, et les compagnies Angloises veulent acquerir." (Thus we wish to retain, and the English companies wish to acquire.)

Canada wishes, and she has the support of England, to have her claim—that she is entitled to many outlets upon tide water above 54° 40′—submitted to the arbitration of third parties.

(A letter by the writer, entitled "Canada and Alaska," briefly touching on the boundary question, was printed in the New York Nation January 2, 1902, and the New York Evening Post January 4. Another letter, also under the same title, written by a gentleman at Ottawa, appeared in the same papers January 16 and 18, respectively. Still another letter under the title of "Facts about the Alaskan boundary," was published in the Nation of January 23 and the Evening Post of January 27. This last communication was written by a gentleman in California, evidently a Canadian. The Hon. William H. Dall, of Washington, D. C., followed with a strong letter, "The Alaskan boundary," in the Nation January 30 and the Evening Post of February 1. Then another communication by the writer, "Canada and Alaska," was given a place in the Nation February 6 and the Evening Post February 7.)

The United States should never consent to any such arrangement. If such a plan were adopted and a decision were given altogether against Canada, she would be no worse off than she has been from 1825 to the present day, while anything decided in her favor would be a clear gain to her. This country, on the contrary, can not by any possibility gain more than she now has,

viz, that which she purchased from Russia in 1867, and to all of whose rights she succeeded. At the same time the United States can lose heavily, for the inclusion in Canadian territory of only one port, like Pyramid Harbor or Dyea, on the Lynn Canal, would greatly lessen for the United States the present and future value of the Alaskan lisière.

The evidence in the case is overwhelmingly on the side of the United States and shows that they are entitled by long, uninterrupted occupancy and other rights to an unbroken strip of land on the continent from Mount St. Elias down to the Portland Channel. There is no more reason for the United States to allow their right to the possession of this unbroken Alaskan lisière to be referred to the decision of foreign judges than would be the case if the British Empire advanced a claim to sovereignty over the coast of Georgia or the port of Baltimore and proposed that this demand should be referred to the judgment of subjects of third powers. For if the claim of Canada to Alaskan territory is referred to foreigners for settlement, the United States can gain nothing while they will incur the risk of losing territory over which the right of sovereignty of Russia and then of the United States runs back unchallenged for more than half a century.

If France advanced a claim to the Isle of Wight and then asked England to refer her title to the island to the arbitration of foreigners, would Great Britain consent? And for the English Empire to advance a demand to many outlets upon tide water on the northwest coast of America above 54° 40′ and then ask the United States to submit this claim to the arbitration of the citizens of third powers is a similar case. Whether the frontier should pass over a certain mountain top or through a given gorge is a proper subject for settlement by a mutual survey. But by no possibility has Canada any right to territory touching tide water above 54° 40′. The United States should never consent to refer such a proposition to arbitration.

Mr. Chairman, I can add nothing to this document. It tells the whole story. It is drawn from official sources and is incontrovertible. It shows that seventy-five years ago Great Britain explicitly relinquished any pretense of ownership of the country she has deliberately invaded, and has ever since acquiesced in the possession of it, first by Russia and later by the United States.

Concerning the great value of the gold mines situate in the region of which we have thus been despoiled, the American people are well informed, and if heretofore they have entertained a doubt of American ownership, a glance at the admitted facts here set forth will remove it.

Mr. Chairman, the origin of the preposterous and insolent claim to these gold fields is not obscure. It was trumped up by English and Canadians speculators and adventurers, just as the claim to the African diamond mines and the conspiracy against the liberty of the Boers were invented by Cecil Rhodes and his coparceners. The originators of the claim had forcibly invaded and occupied the country long before the claim of ownership was advanced. Having seized the country, they desired to reduce all that is worth anything within its boundaries to private ownership. With this in view, Lord Pauncefote, the British minister, entered into negotiations with his very good friend, the Secretary of State. The result was a foregone conclusion.

Our State Department acquiesced in the suggestion that Great Britain should hold the conquered country pending a settlement. Sir, I use the word "conquered" advisedly. When we bought Alaska, the Russians, then in possession of this country, handed it over to us. We retained possession until 1897. Then the Canadian mounted police, an armed force, took forcible possession, expelled American prospectors and miners and American property owners from it, and later established the civil jurisdiction of the Canadian government.

If this was not an invasion, what was it? If it was an invasion and resulted in occupation of the country, the expulsion of the sovereignty claiming it, and the establishment of the sovereignty of the invader, what was it, if not a conquest?

Were these facts known to the Secretary of State when he consented that pending negotiations, by which somewhere in the distant future, somehow, this controversy as to this boundary line should be settled, the British might retain possession? If he did not know them, such ignorance on the part of the chief Cabinet officer of the Republic is to be deplored. It he did know them, it was the most cowardly, the most contemptible, and most pusilanimous surrender of national rights ever witnessed in the history of the diplomatic negotiations of a great country.

Mr. HEPBURN. Mr. Chairman, will the gentleman permit me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. COCHRAN. Certainly.

Mr. HEPBURN. The gentleman has characterized this conduct in very severe terms.

Mr. COCHRAN. I have, sir.

Mr. HEPBURN. How does he think that compares in enormity with the surrender of all of the territory between the forty-ninth parallel and 54° 40′?

Mr. COCHRAN. I will answer that. The gentleman——

Mr. HEPBURN. The gentleman will remember——

Mr. COCHRAN. Just a moment. I want to answer your question. I do not want the gentleman to make a speech. That controversy, like this one, was with the British Government. It occurred when our weakness as a military and financial power made our public men and the people hesitate to go to war if such a misfortune could be honorably avoided. Yet I do not believe that from the Pacific to the Atlantic there was at that time a single American citizen who was not willing to adopt as the slogan of a war that should last a decade, if necessary, "Fifty-four forty or fight."

Mr. HEPBURN. Will the gentleman permit me to ask another question?

The CHAIRMAN. Does the gentleman yield?

Mr. COCHRAN. Certainly.

Mr. HEPBURN. He undoubtedly recalls the fact that President Polk in his first message to Congress declared that our title to all of that territory lying up to 54° 40′ was beyond dispute and that that was the Democratic contention during the whole contest of 1844.

Mr. COCHRAN. I will answer that question without referring to President's messages. The boundary line of 54° 40′ was reached in the course of the very negotiations which resulted in fixing the boundary line between British Columbia and Alaska. When Russia asserted her jurisdiction down to the fifty-first parallel of latitude, the pretension was controverted by both Great Britain and the United States.

Each country entered into independent negotiation with Russia for the purpose of settling that controvery. We had little difficulty in reaching a settlement. Russia speedily agreed with us that as to the United States the boundary between the United States and Russian America should be 54° 40′, and that in reference to the territory below 54° 40′ we could fight it out with Great Britain, and Russia would negotiate as to everything above 54° 40′ and fight it out with England. Then followed the prolonged diplomatic struggle which terminated in so fixing the boundary between British Columbia and Russian America as to exclude Great Britain from a seaport on the Alaskan coast. In the teeth of this treaty, she has seized a seaport and contiguous territory in which the rich gold fields I have mentioned are situated.

Mr. Chairman, when is this controversy to be finally settled? Is there anything so intricate in it that it has been necessary to postpone a final settlement for five years, the period of British occupation?

What has led Great Britain to procrastinate and our Secretary of State to sit supinely, without even an attempt to close this controversy? It is this: There is absolutely no value in the land. It is not suitable for agricultural purposes. It is good for nothing, except mining purposes. It is said to be the richest mining field in the world, and this is probably true. During the four years of British occupation every prospect has been explored, every available mine has been developed, and British subjects, not American citizens, are the legal owners of all this property. No matter what may be the final outcome, the invader has accomplished his purpose. He has appropriated our gold mines to his own use.

The newspapers have told the story. Immediately after the occupation of the country American miners and prospectors were driven out of it by the discrimination of the British authorities against them, and to-day the subjects of His Majesty King Edward own everything that is worth owning; and when we shall finally conclude the negotiations, assuming that sovereignty will be graciously restored to us, what will be the result? Why, we will thereafter be allowed to furnish the constabulary, the judiciary, etc., for a British mining camp in which American citizens have hardly a dollar's worth of interest. What sense is there in claiming this piece of territory after everything of value within its borders has been absorbed by British speculators, traders, and miners?

Mr. Chairman, I have said, and I think I have proven by irrefutable testimony, that there is not the color of justification for England's claims in the premises. Probably apologists for the conduct of the Secretary of State will say that, even conceding all this, it was not improper to agree to settle the controversy by diplomacy. Well, let us, for the sake of argument, take this view of it.

Was it anything short of pusillanimous cowardice to surrender possession? England had not hinted at such a thing as a title to this land for seventy-five years. We had held possession of it for nearly forty years. If, without attempting to supplant us, without attempting to take the country by force, without attempting to extend her boundaries and sovereignty so as to include it, England had raised the pending question, the case would present a different aspect; this would have left the country within our jurisdiction pending a settlement. It would have enabled Americans instead of British subjects to take possession of the gold mines. This would not have enabled aliens to drive Americans out of the country. The object was larceny, and the traditional policy of the British Government was resorted to. First the country was forcibly occupied by an armed force. Then civil officials named by the Canadian government were installed there, and the claim of ownership followed on the heels of this flagrant insult to the American Republic.

Mr. Chairman, if, on account of his abounding love of the mother country, the Secretary of State felt constrained to condone this insult and hold a parley where self-respect demanded sterner measures, at least he should have said to the British Government: "Restore the status existing prior to the discovery of the gold mines, vacate the disputed territory, withdraw your official representatives from it, and we are ready to negotiate." Why was this not done?

It behooves Republicans high in authority to be prepared to answer this question. The American people will not much longer tolerate a party responsible for a policy so cowardly and so stupid as to excite the contempt and amazement of even the partisans of the Administration.

Mr. Chairman, I have not exaggerated the facts nor too strongly portrayed the insolence of the claims of Great Britain to ownership of part of our Alaskan possessions, nor overdrawn the pitiful spectacle presented by the high dignitary who is responsible for the foreign policy of the United States and for this sickening surrender of the rights of American citizens, who have been driven from American gold fields by the Canadian constabulary. I repeat the criticism which brought the gentleman from Iowa to his feet, and again declare that never in the history of diplomacy has there occurred a surrender of a great nation's rights and submission to insolence and insult so pitiful, so cowardly, so contemptible, so pusillanimous. [Loud applause.]

I yield back the remainder of my time.

Statehood Bill.

SPEECH

OF

HON. CHAUNCEY M. DEPEW,

OF NEW YORK,

IN THE SENATE OF THE UNITED STATES,

February 11, 13, and 17, 1903.

The Senate having under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States—

Mr. DEPEW said:

Mr. PRESIDENT: We debated in Congress, on the platform, and in the newspapers for over sixty years the question whether a State had a right to retire from the Union. We fought over that question for five years in the bloodiest civil war of modern times. The result of that war settled forever the question of the nationality of the Republic of the United States. It settled forever that a State once in the Union could neither retire by its own volition nor be expelled by its sister Commonwealths. Under that decision, thus made permanent, the position of a State in the Federal Union is enormously enhanced, its value is enhanced, and the condition under which a Territory should be admitted should be more carefully inquired into than at any other previous period.

The State that comes into the Union now, so far as the House of Representatives is concerned, affects only in proportion to its population the legislation of the country. But the State which comes into the Union now has two United States Senators in this body. Those two Senators may represent a population wholly inadequate for a sovereign State, and at the same time they neutralize the wishes, neutralize the voice and the vote of the 7,000,000 people in New York, of the 6,000,000 in Pennsylvania, and of the millions in all the other States in the Union so far as they negative the one State which those two Senators oppose.

We, in considering this question, are not in the dark as to the conditions in these Territories which are included in the omnibus bill. The Committee on Territories took elaborate testimony, heard witnesses, and gathered a volume upon this question. Not satisfied with that, they appointed a subcommittee of their own number, who, at great labor, great trouble, and great sacrifice, spent months going through these Territories, meeting the inhabitants, ascertaining their views, finding what was the quality of the population, what were its productions, what the present conditions which justified statehood, and what were the future prospects.

Mr. BATE. Will the Senator from New York allow me to correct him there? I know he does not wish to misrepresent. The committee that went to investigate and make report on these Territories were not gone two or three months, as was stated by the Senator, but they were there only a few days. They went through those Territories, as large as they are, in a short time, spending five or six days in all, and on the moving train most of the time. I was appointed on the subcommittee, but I did not go. However, that was the result. I want to correct that statement at this time.

Mr. DEPEW. I do not want to misrepresent the committee——

Mr. BATE. I know the Senator did not, and therefore I took the liberty of correcting him.

Mr. DEPEW. But I judge from the report which the subcommittee has made, of the testimony which they took, of the distant places which they visited, the amount of travel they did, the number of cities, villages, ranches, and mines they saw, that they must have spent more than a few days in the Territory. In any event, they spent time enough to present here an elaborate report, the statements of which have been contradicted on this floor by statements, but none of them have been contradicted by testimony such as that upon which the report of the committee is based.

Now, the Government of the United States has become so vast, its interests have become so enormous, the questions which press upon Congress are so acute and require such immediate action, that we have been in the habit of investigating by committees, it being impossible for individual Senators out of the committees to ascertain the facts necessary for legislation.

So with the Government of the United States, with its vast matters of internal commerce, of foreign commerce, of internal revenue, of tariff, of Territories, of colonies, of finance, of currency, it has become common for the committees of this body to take up these questions, to examine them, as committees here do, and when their results are arrived at to present their report to the Senate.

Except when there is a political question involved, that report is never questioned. Except when there is politics involved, politics to be defeated or politics to be progressed, the conclusions of the committee are always accepted by the Senate, because the Senate has confidence in the committee and the committee knows what individual Senators can not by any possibility ascertain.

Now, here is a question which ought not to be political. It is a question affecting the integrity of the Senate, affecting the future legislation of our country, a question affecting the admission of six Senators into this body and of a larger number of representatives into the Electoral College for the election of a President. That question should not be political, but it should be decided upon its merits.

Nevertheless, Mr. President, we have here the extraordinary spectacle of one party lined up solidly for this statehood bill against the report of the committee and against the report of the subcommittee. Now, it would be impossible for a Senator on the Republican side or a Senator on the Democratic side to know as much on this question as the committee has ascertained, or to be familiar enough, as a matter of intelligence or information, to conscientiously vote against the conclusions of the committee. So when one of the sides of this Chamber stands pat for this omnibus bill as it is, refuses to discuss it, will not argue it, wants to vote upon it regardless of the report and the testimony, there must be hidden somewhere a political purpose other than the admission of these new States or their rights to be admitted.

There have been two exceptions only among our Democratic brethren on the policy of silence which they have imposed upon themselves. One was the impassioned utterance of the Senator from Utah [Mr. RAWLINS], demanding and calling and crying for the privileges of American citizenship for these poor people in the Territories of Arizona and Oklahoma and New Mexico who were deprived of them. It was a presentation not to move the judgment, but to move the sympathy for these poor people who were living in this condition, where apparently they were not enjoying the rights and the privileges and the immunities of American citizenship. But there was about that appeal this inconsistency: That sympathy was narrow. That sympathy had bounds and confines to it. That sympathy did not go out at all by a single word or expression to the Americans in the Indian Territory, numbering more than those in Arizona and New Mexico combined. There it might be said that they did not have the privileges of American citizenship. There it might be said that they could not own land, that they could not acquire titles to farms, that they could not vote, that they could not do any of the things which constitute American citizenship in the other Territories.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. The Senator made an interesting statement and a very significant one about there being in the Indian Territory more of white population than there is in Arizona and New Mexico combined. That is exactly true, but it is not all the truth. There are over one hundred thousand more there than in both the other Territories combined. I thought the Senator would not object to having that fact brought out.

Mr. DEPEW. I am very glad to be corrected, whether I minimize or whether I enlarge the fact.

Mr. BEVERIDGE. There are about 400,000 or 450,000 people in the Indian Territory, some say 500,000, of whom not to exceed 80,000—and the best estimate puts it at about 70,000—are Indians, leaving perhaps 100,000 more white people in the Indian Territory than there are in the Territories of New Mexico and Arizona combined, according to the census.

Mr. BATE. Mr. President, a moment, if the Senator pleases.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Tennessee?

Mr. DEPEW. Certainly.

Mr. BATE. In this connection I wish to state that in the Indian Territory all the lands belonged to the 70,000 Indians, or whatever the number, in common and in tribal form, except small parts that have been given for railroad purposes or for town sites. They are the owners of that soil. They were there long ago by deeds from the United States in fee simple. They are there now; it is their home, and whoever comes there is more of a visitor than a proprietor.

Mr. BEVERIDGE. With reference to that, it is well known, as a matter of course, that allotments of Indian lands are very rapidly being made and have even now in a very large measure been completed. Further, the perhaps 400,000 white people who are there are not, as the Senator from Tennessee seems to think, interlopers, visitors, wanderers, adventurers. No, they are people who have come there to live. They have built towns and cities there which would be a credit to older and more settled parts of the country. They have developed resources. They have opened mines. They are there, Mr. President, and there to stay. It is not a floating, vagrant population, but a population composed of white citizens of intelligence, energy, and integrity, whom the Senator or any Senator on this floor might be proud to number among his constituents.

Further, Mr. President, those people have their churches. They have their Epworth Leagues. Although they have no laws by which they may have common schools, they have schools supported by popular subscriptions. The people have gone down in their own pockets. I make bold to say it is true that the condition of the white people in the Indian Territory as a mass is one of the most signal and brilliant illustrations of the capacity of the Anglo-Saxon to govern himself even without form of law or voice, so far as legislative enactment is concerned, that the history of the world has ever witnessed, because order prevails there, decency prevails there, and religious and educational work is going forward there, and all that, too, without the warrant of formal legislative enactment. I could imagine nothing, Mr. President, which is a higher tribute to the character and quality of that people than those facts.

Now, I doubt not the Senator from Tennessee did not mean to have us infer that they were mere visitors or people who were transient; that they were not quite worthy citizens of other States. As a matter of fact, they are good people and not mere visitors or people passing through.

What the Senator says about the Indian lands, of course, is entirely true. But that is a difficulty which is practical and which is being rapidly obviated.

Mr. BATE. Mr. President, with the permission of the Senator from New York [Mr. DEPEW] I should like to interject right here one or two suggestions.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Tennessee?

Mr. DEPEW. Certainly.

Mr. BATE. Mr. President, I am unwilling to sit silent and have words put into my mouth which I did not use. I did not say that the white people in the Indian Territory were vagrants or prowlers and lawbreakers, as has been stated by the Senator from Indiana, or anything of the kind. I said they were not the owners of the soil, and could not be while tribal relations existed. Whatever may have taken them there, whether enterprise, commercial gain, personal comfort, or whatever motive instigated them I do not know, but they are there, and there in vast numbers, and shoving aside the poor Indian—driving him out of his own home whether he will or not—and this in the face of solemn treaties, and the Government of the United States has been winking at it.

Mr. President, permit me to say in this connection that numbers of white men are there without proper authority and many of them have been for years by sufferance—by the grace of the Indians. We have treaties which have been negotiated between the Indians and the white people, treaties which are sacred, treaties which have been signed by the President of the United States. As far back as 1830 to 1836 the Indians were given not only the absolute right to stay there and own this particular property, but to be protected by the United States from the intrusions and molestation of the whites. I wish I had one of those treaties here before me that I might read it exactly as it was signed. I give the substance:

Those treaties guaranteed all these privileges. The Indians went into that Territory under the ægis of this United States Government. The Government promised that it would protect them against all outlaws and intruders and secure the titles to the lands, and yet the white man was the first to become an intruder and lay plans to get possession of their property. For the sake of peace and to feel secure in their rights, whatever they might be, they left the graves of their fathers and gave up their hunting grounds east of the Mississippi River and went to the prairies and hills of the West, under the solemn guaranty of our Government that they should own these lands, which is now the cause of contention, in fee-simple title and in tribal form; that they should be free from encroachment or disturbance by any outside influence, including the white people of the United States. Having lived among white people east of the Mississippi and seen their mode of life and their progressive spirit, they courted influences that would advance them in civilization. Since their removal to this beautiful country these Indians have only sought to exercise their rights—rights guaranteed by solemn treaty with our Government. They are out in a most beautiful country. The manner in which the Indians in the Indian Territory have conducted themselves has been applauded by all intelligent, upright, and Christian people. They have won the favor of all Christian churches and are communicants therein—the Methodist, the Baptist, the Presbyterian, the Episcopalian, the Catholic, all of whom have their churches and their schools among them; and the schoolhouses were put up at the common expense of the Indians and the teachers are paid by them.

Not only that, but they established courts of justice there after the fashion of ours. They have their judges, their lawyers, their jurors, their inferior courts, their clerks, and sheriffalty and constabulary; they have their witnesses, and all the machinery pertaining to the administration of justice amongst the most civilized nations. Their courts are conducted in a manner after the fashion of those in the United States, and they have been conducted most successfully.

Not only have they their district schools, but they have magnificent colleges. Among many others, there is one at Tahlequah which is one of the most beautiful structures and efficient institutions of learning west of the Mississippi River, the beautiful building costing from seventy-five to one hundred thousand dollars. It is for the education of girls.

The interest which they have manifested in the education and training of their girls is something which peculiarly attracts the attention of those who like and respect the Indians and wish to aid in elevating them in the scale of civilization. Mr. President, whenever you find a disposition to protect woman, to guard her honor and cultivate and refine her gentler nature—to lift her from a lower to a higher degree in the scale of educational and social life—you find evidences of an advancement in civilization and refinement. As I have said, they have established these schools for girls, and the one to which I have referred is the finest west of the Mississippi River, the cost of which has been paid out of the Indian funds, and no man will appreciate this more highly than the distinguished Senator from New York [Mr. DEPEW], to whose courtesy I am indebted at this time for the permission of the floor.

You may examine the history of man and you will find that wherever civilization, struggling to lift itself from the shadows of darkness, arises and begins to shed abroad its beautiful and beneficent light the best evidence and the first indication of it is the care, the politeness, the deference, and the love and honor shown to woman. This is illustrated in the history of all nations that have grown great and powerful, notably Egypt and Greece. Rome in the days of her grandeur and glory gave greater admiration to woman than during any period of her history. In the days of her splendor woman was a queen as she sat upon her little throne in the social circle of her domestic surrounding. In Venice, in the day of her highest culture, woman was the charm of her social life. The salons of Paris and the courts of London have felt no less her power than her charm, and in our own land she has ever gone hand in hand with the advance of culture and refinement; and why not applaud the poor Indian in his struggle to gain a higher social scale by educating the girls of his nation?

Mr. President, the Indians not only have schools for men and boys, but, as I have said, they established, along with others, this magnificent institution for the education of girls, where they have been and can be educated and cultivated; and they speak our language, though it has been said by the opposers of this statehood bill that they do not speak our language. They have the printing press, and I have a copy of their newspaper here, printed on one side in the Indian language and on the other side in the English language.

These Five Civilized Tribes, comprising as they do the Indian Territory, have their farms, their flocks, and their herds; they

have money of their own with which to purchase and to pay their debts. They have all these things and do all these things, and have advanced rapidly in their progress in the arts of civilized life and in the performance of Christian duty, but the white man has come among them, regardless of solemn treaties, and of course he is getting possession and control, as he always does when he exercises his power, and as he has always done when occasion offered at the expense of the poor Indian, and that, too, in violation of treaties that are honorable and sacred and that ought to be observed by all who are parties to them. These treaties the Indians have observed with particularity and good faith.

But here is a marked and peculiar condition of things. Here is this Territory set apart from 1830 to 1836 by solemn agreement made at noted treaties—and other great treaties—to be found in Indian history. Valuable lands were set apart and certain powers and privileges were given those Five Civilized Tribes west of the Mississippi River—the Cherokees, the Choctaws, the Chickasaws, the Muskogee or Creeks, and Seminoles. All those five tribes have their separate and distinct properties, and, Mr. President, they hold them as their ancestors held them—in tribal form—and would still thus hold them in the distant future but for that love of gain inspiring the white men to work schemes to enable them to possess themselves of their rich soil and valuable mines.

Mr. SPOONER. How many of those Indians have become citizens?

Mr. BATE. They have not become citizens to any great extent. They claim that unless they are of mixed blood they have the right to tribal relationship; and whenever you destroy the tribal relationship of the Indians, it is their history that they go to pieces; they become beggars, riding ponies and covering themselves with blankets. They should have been left alone and allowed to remain in their tribal relation. They desire that now; they seek it. They have their chiefs and governors, and subaltern tribal officers.

All of these Five Civilized Tribes have done their duty to this country. You can not show where they have violated their treaties in a single instance, and I doubt if the same can be said of any other people. Not only so, but they came to the rescue of the flag of the Stars and Stripes during our civil war. Some of them were under the Stars and Stripes and some along with us under the stars and bars interlocked with its cross of Saint Andrew. They furnished troops to the Army, but, like us, they were divided upon the great questions which divided the North and the South.

They have had their treaties since the war. The treaty of 1866, which in part was to adjust certain matters that grew out of the war, was agreed to, has been amended, and there have been other treaties since the war growing out of the fact, as I said, that some of the Indians had gone into the Confederate army and others into the Federal service, which treaties contained the usual guarantee unto them of their rights as individuals and their rights as a nation that are in the original treaties of 1830-1836.

A nation, Mr. President! That is a significant term. It is an admission that they possess original power; that they are a nation like ours; within a certain sphere and as a nation we have a right to deal with them, and we have so dealt with them. But in dealing with them of late years we have gone back upon our solemn agreements. I am sorry to say it, but it is true, nevertheless. Indeed, it is history, sir. Nothwithstanding the Indians have gone there under our encouragement, under the ægis of this Government, under the most sacred obligations, attested by the great seal of the United States and by the hand of the President of the United States, the white man has gone there and encroached upon their rights; we have trenched on them by degrees, until there is established there what we now call a white man's government, for there are 200,000 or 300,000 white men there and only 70,000 Indians, though the Indians own all the land. That is now the situation.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. BATE. With pleasure.

Mr. SPOONER. How far have these Indians become allottees of land under the laws of the United States?

Mr. BATE. I do not know to what extent, but the Dawes Commission came in under the protest of the rightful owners of the soil and it has done the work.

Mr. BEVERIDGE. They have almost entirely taken allotments, I understand,

Mr. BATE. Two or three of the nations have partially done so, and one or two of them divided upon the allotment question, I understand.

Mr. SPOONER. I want to ask the Senator this question: Of course no one would contend, I suppose, that the Indians who had acquired under a treaty property rights could be disturbed in their rights except so far as they agreed to it by accepting allotments; but the act of Congress provides, in general terms, that the allottees shall thereby become citizens of the United States.

Mr. BATE. Some of them have become citizens, I suppose, in that way. How many I do not know.

Mr. SPOONER. Of course, the Senator would not contend after they became citizens of the United States, while they would be protected in their property rights under a treaty, that they would be entitled to a separate government——

Mr. BATE. A tribal government.

Mr. SPOONER. A separate government?

Mr. BATE. No.

Mr. SPOONER. Or a national tribal government?

Mr. BATE. No; for the reason that they have been morally, if not physically, coerced into relaxing, if not yielding up their tribal relation. My idea is that men who have gone there and taken possession have gone there in violation of law, have gone there in the face of treaties which had been solemnly and sacredly made with those Indians. The men who have gone there are, in one sense, usurpers. They have taken the power from the Indians to govern that Territory; but when they become citizens of the United States they are like all other citizens and have their rights. But do you not remember two or three years ago the storm that broke out all over that country among those Indians in regard to the Dawes Commission? They saw that it meant to destroy their present and their ancestral mode of life, as the means to get from them the lands that the white man so coveted. They wanted a tribal form of government; it was was their right under solemn treaties, as it was by inheritance. But when a step of this kind was taken by an authority like that of the United States they were helpless, and, as a matter of course, the poor Indian had to succumb, for he was helpless. "Vengeance is mine, saith the Lord!"

Mr. BEVERIDGE. Will the Senator from Tennessee permit me?

Mr. BATE. Certainly.

Mr. BEVERIDGE. The Senator, as I understood him, stated that his idea was that any Americans who had gone down there without right were interlopers.

Mr. BATE. Yes, sir.

Mr. BEVERIDGE. That being the case, Mr. President, I want to ask the Senator whether he would have the Government expel those interlopers from the territory which belongs to the Indians?

Mr. BATE. No, sir; but I will tell you, Mr. President, it should have been forbidden at the start; and it would have been forbidden had the United States performed its duty by using, if necessary, military force to protect those Indians when this began, as it had solemnly agreed to do. Now, complications have arisen that are embarassing. Now, the white men have possession of it and are there in large numbers, and in many instances have made terms with the Indians, and I think we can do nothing with them, and are constrained to let the matter work out the inevitable result. The Indians have to submit. They and we recognize that fact and they are submitting under coercion, notwithstanding they own the land, notwithstanding they have their herds there grazing on the richness of the mesas, although they now have their houses, instead of their cozy little tepees, which were formerly used under their simple mode of life. All that is progress—the white man's progress. White men have gone there wrongfully and now they have control, and we can not get them away. So we have to do the best we can, and the poor Indian is the sufferer.

I want to see the Government of the United States maintain their rights honestly, whatever they are; but how it can be done consistently with the laws passed by Congress and the treaties made beginning three-quarters of a century ago and coming down to recent years, which acknowledged their right to a tribal form of government and guaranteed protection to them in that form of government, I can not tell, and I can not see why it was asked to be done in open violation of the law of the land and of the treaty stipulations between them and the United States. Commercialism, however, seems to be rampant and finds an easy subject in the poor Indian.

Mr. BEVERIDGE. The object of my question to the Senator from Tennessee was merely to bring to his attention the fact that even conceding it to be true that these white people had gone there originally without a right to do so, nevertheless they are there now—they are, as the Senator admits, a fixture now. That is a condition of the present and not an historical matter of the past with which we are called upon to deal.

Mr. BATE. That is true.

Mr. BEVERIDGE. Whether I might agree with the Senator as to the historical part of it or not, I will neither agree nor disagree now; but the object of my question was merely to call the

Senator's attention to the fact that what we have got to legislate concerning, what we have got to deal with, is not something which might be regrettable in the past, but something which now exists.

Mr. BATE. Mr. President, it is never too late to do the right, the just, the honest thing.

Mr. BEVERIDGE. But how would the Senator do that?

Mr. BATE. We have our obligations, which we have taken, to see that every right we guaranteed to those Indians is carried out. As I say, it is never too late to do good, to dare to do right.

I have nothing more to say except to repeat what I said originally, that these Indians are the owners of that soil. They have ceded only the land they have promised for your town sites, railroad tracks, and stations, etc. You have a right to nothing beyond that. They still own the soil, and those who do not own the soil, who are there merely as visitors in the first place, whether you call them intruders or interlopers or what not, are there in virtual possession of the lands and homes of the Indians.

These Indians are getting on well. They have their schools; they have plenty of money; they have established their courts; they have their churches, their houses, their associations, which are dear to them. I predict, if the Government goes on as it is doing and takes entire possession of that country, that of the 70,000 Indians now there there will not be 10,000 in a few years from now, and they will be blanket Indians out on the mountains, for the incomers will usurp their possessions and maybe forget the wrong to the red man.

Mr. DEPEW. Mr. President——

Mr. BEVERIDGE. Will the Senator from New York yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. Mr. President, no person could be found who would disagree with the concluding remarks of the Senator from Tennessee [Mr. BATE], that it is never too late to begin to do right; but sometimes we find that conditions which require action concerning the present do not square with abstract notions of what should be done had a prior historic fact been otherwise.

There is no Senator in this Chamber who could pay to womanhood a more beautiful tribute than the Senator from Tennessee has just paid, and no person more sincerely or tenderly agrees with that lofty tribute than I do. I, in common with every other man of our blood, regard the proud position of woman in our civilization as its chief lustre and brightest glory, and I am glad to hear, Mr. President, that the Indians of the Indian Territory have suddenly—not, perhaps, suddenly—but have at least begun to emulate the very best that can be found in our, or in any other, civilization. When I was told that, Mr. President, a fact that I did not know before, it was easier for me to understand why it was that at the great statehood convention at Oklahoma City, composed of 2,000 delegates from both the Indian Territory and Oklahoma, asking for single statehood, that convention should have as its temporary presiding officer an Indian of the blood from the Indian Territory, and as its permanent presiding officer an Indian of the blood from the Indian Territory.

If it be true, as the Senator from Tennessee says, that colleges almost equal to those that we establish in the States—and we can judge from the Senator's words that they are equal indeed to them—have been established there, colleges for girls, colleges for men, farmhouses, and everything else that accompanies civilization, I say that we can well understand how it is that they have reached a point where they would send to the convention for single statehood their most prominent chiefs; and it is a pertinent thing to call the attention of the Senate to the fact at this juncture that at this convention, the greatest one ever called in Oklahoma or the Indian Territory, or any other Territory or State in the history of this Republic—and that is not an extravagant statement, but a moderate one concerning a thing like this—should have among its delegates Indians from the Indian Territory and as its presiding officers two of their most prominent men.

It is not probable, Mr. President, that these men, delegates and officers of that convention, would have asked a thing or put themselves on record for a thing which was an injustice to the people whom they led; it is not probable, Mr. President, that they would participate in a movement which had as its inevitable result the destruction of justice to their own people; and it is probable, Mr. President, if they have reached the advanced stage which the Senator says they have, that just that thing which they did do is the thing which we had a right to expect.

I do not know that there is very much disagreement between the Senator from Tennessee and myself with respect to this. He does not deny the high quality of the white population down there and I do not deny the high quality of the Indian population down there. I think they have demonstrated their capacity by their deeds. Very well. Then we have simply the condition of a great population in that great Territory developing its resources, not having any racial conflicts—that is a significant fact, is is not?—no racial conflict in the Indian Territory between the whites and the Indians; not a difficulty heard of; no massacres of whites by Indians, no assaults upon Indians by whites.

That does not indicate, does it, Mr. President, that these men regard themselves as having cruel injustice practiced upon them, but, living together in peace and harmony and mutually developing the remarkable resources of that great Territory, they practically, with a unanimity hardly heard of before, come here and ask of this Congress a thing which the commercial situation, which the natural elements of the whole situation themselves declare as being the right thing to do with a population like this, with a population sure to increase.

If, as the Senator from Tennessee says, the Indians must decrease under natural conditions and contact with the whites, etc., the reason becomes still greater. If they are not worthy citizens, is there any reason why the opinions of all those people should not be listened to by this Congress, not only as to their future condition, but that of their children and their children's children for all time to come? That is what I call attention to.

I am very much obliged to the Senator from New York [Mr. DEPEW] for the time that he has given to the Senator from Tennessee and myself. I thought that the Senator from New York would be glad at this juncture, when he was making a comparative statement of statistics, to have it brought to his attention and the attention of the Senate that not only what he said is true, but that it is true by a hundred thousand more. This thing can not be dwelt on too much, because until this debate sprung up it was the common belief of this country and the belief of most of this Senate that the Indian Territory was inhabited chiefly by Indians.

That was the extent of the information which the country had upon this Territorial question, and in the debate here before I called attention to the fact that in an editorial in a great metropolitan paper, usually very well informed, it was stated that the committee's substitute was not admissible because in that Territory there were about 400,000 Indians. This debate has informed the country for the first time, and the most of the Senate for the first time—for many Senators have talked to me about it, and I know I had that view myself until I came to investigate it—that the Indian Territory, simply because it is called the Indian Territory, is not inhabited by Indians, but by whites, flesh of our flesh, bone of our bone, blood of our blood, taking there all the habits and traditions of our race and all that they have learned as citizens of other States.

Mr. DEPEW. Mr. President——

Mr. SPOONER. Will the Senator from New York yield to me?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. DEPEW. Certainly.

Mr. SPOONER. It is my recollection that the Senator from Minnesota [Mr. NELSON] in the very able and exhaustive speech which he made upon this floor, stated that by some act of 1890 or 1891 Congress had made citizens of the Indians in the Indian Territory independent of the question of allotments. I should like to ask the Senator whether my recollection is accurate?

Mr. NELSON. That is perfectly correct. By the act of March 3, 1901, 31 Statutes at Large, page 1447, every Indian in the Indian Territory is made a citizen of the United States. There is also a general law, commonly called the Dawes allotment act, under which every Indian who owns an allotment becomes a citizen. But under the act to which I first referred every Indian in the Territory, whether he belongs to these Five Nations or otherwise, is a full citizen of the United States to all intents and purposes.

Mr. SPOONER. I thank the Senator from New York.

Mr. DEPEW. Mr. President, I am very glad of this interruption, because it reveals what I did not know before, that there are 100,000 more Americans in the Indian Territory than there are in the combined white population of Arizona and New Mexico. This adds to the gravity of the charge which I have made, that the Democratic party seems to confine its sympathy to the Mexicans of New Mexico rather than extend it to the Americans of the Indian Territory; that while they want to grant these privileges, statehood rights and American citizenship, while they are yearning to give them to the Mexicans of New Mexico and to the Mormons of Arizona, as has been exhibited by the very eloquent speech of the Senator from Tennessee (Mr. BATE), they have not a single throb for the 450,000 white Americans in the Indian Territory.

I listened to the speech of my friend from Tennessee with the greatest interest, as I always do, and that beautiful tribute of his to womanhood did justice to his chivalric heart and to his glorious record as a soldier. He could not speak otherwise than in those high terms of American women and of Indian women; but I wish, while he was telling us of what the Indians were doing

for their girls, placing them upon that high plane of civilization, that he had spoken one word at least in behalf of these 450,000 white people, men and women, to enable them to get into the Union, to enjoy the rights of citizenship, and not charged them with being interlopers, charged them with being where they had no right to be, charged them almost by implication with having the purpose of taking away from the Indians their lands by some process of expropriation, but that he had come out nobly and said, "I am in favor of amending this bill by adding the Indian Territory to Oklahoma, which the Indians themselves apparently want, in order that the privileges of statehood may be extended over all this population."

Then I have noticed another lack of sympathy on the part of the Democratic brethren. They have not one word to say for the 100,000 white people in Alaska, that they may have the inestimable privileges of statehood and the inestimable privileges of American citizenship that can only be had through statehood.

I have heard from our friends on the other side the most frightful and calamitous predictions as to what would happen if Porto Rico should become a State, and yet Porto Rico has established within one year a school system which has called hundreds and hundreds of school-teachers from the United States. The last report of the governor of Porto Rico shows that they are taxing themselves for these schoolhouses; that they are erecting them at every crossroads, and that within a year there will not be a child in Porto Rico who will not have the benefits of an American school. The testimony is that not only the children but the adults are attending those schools in order to acquire the English language, in order to be able to read American newspapers in the English language, in order to legislate in the English language, and in order to be in all respects American citizens.

There is not one word of sympathy for the Porto Ricans, who are in a condition not even so fortunate, so far as the opportunities of American citizenship are concerned, as are the people in the Territory of New Mexico. And yet there is an abounding sympathy for the Mexicans—90,000 of them in New Mexico—who for three generations have not made an attempt to acquire the English language or to become American citizens. It seems to me that the position is as inconsistent as possible, and that it can only be accounted for by some high method of politics.

I beg pardon for making the statement that there has been no argument advanced by our Democratic friends who are standing solidly and silently in an unbroken phalanx behind their distinguished leader, my able friend the Senator from Pennsylvania [Mr. QUAY], for there has been one speech on that side—very eloquent, very exhaustive, and very convincing; I refer to the eloquent and able argument on behalf of statehood which just closed to-day, when the venerable and eloquent Senator from Alabama [Mr. MORGAN] took his seat. For four and five hours, sir, the Senator from Alabama advocated the omnibus bill. He based it upon the fact that the Indian is far superior to the white man when you give him an equal opportunity. He based it upon the fact that we have violated or propose to violate the protocol which exists between Colombia and some other Central American State.

Under those conditions it seems to me that the argument for statehood as it comes from the Democratic side presents features which it is almost impossible for us to meet. There is this difficulty about the presentation made on behalf of statehood by the eloquent, the able, and the venerable Senator from Alabama. If the 27,000 Indians in Arizona are superior to the 90,000 whites who are there; if the 30,000 Indians in New Mexico are superior to the Mexicans who are there, the difficulty is they are in the minority and they can not exercise those high qualities which, as the Senator says, have passed their names down through all the centuries since the Pilgrims first landed on Plymouth Rock. It may be that there are in New Mexico and Arizona, among the 27,000 in one Territory and the 30,000 in another, men who might make those Territories, if they came in as States, worthy of statehood if their patriotic and intelligent purposes could be carried out—men like these, who have been named by the Senator from Alabama: Black Hawk, Brandt, Canastogo, Comanche, Egeromont, Ensamore, Jim Fife, George Sagamore, and George Guess.

Mr. President, with 27,000 such patriots of a race which has done such heroic deeds in one Territory and 30,000 in another I am not sure, if I could agree with the Senator from Alabama in his estimate of the race, but that I should vote for the statehood bill if the Senator from Pennsylvania would consent to have a clause put in their constitutions that none but Indians should vote.

Mr. BEVERIDGE. Did the Senator from Alabama mention the name of Geronimo?

Mr. DEPEW. Geronimo is not in the list.

Mr. BEVERIDGE. He is the Indian gentleman and patriot who was the leader of the Indians of Arizona. Since the Senator from Alabama was talking about the heroes, I thought perhaps he was included in the list. I wish to ask the Senator whether he is?

Mr. DEPEW. I have no doubt, answering the question of the Senator from Indiana, that from the stand taken by my distinguished friend, the Senator from Alabama, Geronimo was a patriot, fighting for his lands, fighting for his country, fighting for his wife, fighting for his children, fighting for his people, but that is not my view. That seems to be the view presented by our Democratic friends in the arguments which they offer for the omnibus statehood bill.

Mr. President, why do our friends on the other side stand in such solid, silent phalanx behind this measure? They will deny that there is politics in it. The public press says there are sure to be two Democratic Senators from Arizona and two from New Mexico, and that Oklahoma is already going the same way because of the large immigration that is going in from Texas, Arkansas, and Missouri. So it might be claimed, if the press is correct, that there will be six Democratic Senators added to this body and nine Democratic votes in the electoral college.

I make no such charge, because our Democratic friends would never move for a measure like this on considerations such as six Senators and nine votes in the electoral college. They have never before been united on a question of statehood. They have never before shown this anxiety for the admission of new States. On the contrary they have opposed many of them and given reasons which I confess ought to have prevailed.

I want to say—and I say this from experience and observation—that while the old lady of the Democracy, who is so frequently typified in picture and in caricature, is still young, still frisky, and still attractive, and while she has been successful in her flirtations for a hundred years, flirting with the Greenbacker and capturing him, flirting with the Populist and capturing him, flirting with the Silverite and absorbing him, that when she undertakes this most dangerous flirtation with that most dangerous and fascinating gentleman whom she is now following, the Senator from Pennsylvania [Mr. QUAY], she is in more danger than she ever was in her life. [Laughter.] He has hypnotized her, and before he gets through I do not know what will happen. [Laughter.]

Mr. President, there have been many reasons for making States. Nothing more able and eloquent has been presented on that question here than the speech of my friend the Senator from Ohio [Mr. FORAKER]. But in the making of States there are rules which apply to different ages and periods that do not apply to others. When the Republic was first formed one question which met our fathers on the threshold was how to make equal the small and the big States; how Delaware and Rhode Island were to have their equal voice and action compared with New York, Pennsylvania, and Massachusetts.

It was necessary then in the forming of a government to make a compromise. We were not then letting in new States, either to expand and enlarge our suffrage and our power or to diminish it. But there were thirteen colonies which had been fighting together to form a more perfect union, and they had to compromise. That compromise was that population should govern in the popular branch, but, without regard to population, the sovereignty of the State should be represented by ambassadors in the Senate of the United States, elected by the legislatures of the States, representing in their corporate capacity the sovereignty of the Commonwealth. But any obligation to let in a new State ceased with the formation of this compact, ceased with the creation of the Republic under these conditions.

But we were then a small country so far as population was concerned. It was necessary for us to extend our power along the Ohio and to the Mississippi, and so a rule was adopted, which, if applied now, would rule out this bill absolutely—a rule of proportionate population, by which, under the ordinance of 1787, whenever the Territory reached 60,000 inhabitants it could be and should be and must be admitted into the Union. The same proportionate number now would require nearly eleven hundred thousand for Statehood. Everybody knew the conditions of that territory. Everybody knew that it had fertile plains, that it had vast possibilities of agriculture, that it had abundant and abounding opportunities for great populations in the future. Everybody knew that we were taking no risk whatever of admitting States which would stand still or go backward.

When that rule had worked out in that way, then it became necessary to apply another rule imposed upon us by the necessity of the hour. We had to acquire the territory of Louisiana against the conscientious scruples and prejudices of President Jefferson, in order to round out our country and to grant to us the mouth of the Mississippi, essential to the growth, population, commerce, and agriculture of those Northwestern States. But in acquiring that territory, already settled, we had to compromise again with France and compromise with Spain as to the terms of concession. Of course, France wanted to look after the Frenchmen in Louisiana and Spain wanted to take care of her subjects in Florida. So treaties were made under which, without regard

to population, but in conformity to those treaties, the States of the Louisiana purchase came in.

There it was known again that these Territories were rich in fruitful soil, rich in irrigating streams, rich in everything in the virgin condition of the country which promises population commerce, trade, wealth, and prosperity of every kind.

Then came the dark period of our history, when it was compromise again in the admission of States—compromise between slavery and freedom. The very able men who were protecting the institution of slavery saw that the constantly increasing populations in free communities were to people these western areas and would bring in, not only to the House of Representatives but to the Senate, majorities which would be hostile to the institution of slavery. Already in the House of Representatives the preponderance of free sentiment had become alarming to the slave oligarchy, and they made up their minds that their only safety was, without regard to population, to become intrenched in the Senate.

Under that compromise it is curious to see how the different States came in. A glance at the dates shows how it worked. Maine, in 1820, was offset by Missouri in 1821; Indiana, in 1816, by Mississippi; Illinois, in 1818, by Alabama; Arkansas, in 1836, by Michigan; Florida by Texas, and California by another Southern State. In order to protect themselves it was also provided and understood that as these free communities grew, when Texas was annexed, Texas might be divided into four Commonwealths, which would naturally be on the side of slavery.

Then came the civil war. Then we got out from compromises by which there should be a balance of power between freedom and slavery in the Senate of the United States; and then came political conditions. Then we began to admit States for votes; States to pass constitutional amendments; States to get certain legislation which was regarded by the party in power as essential for the country. Under those political conditions West Virginia came in and Nevada came in and other States came in. Several of the mountain States came in under those political conditions in the hope or the certainty of votes for the time being without regard to the future.

But, Mr. President, we have now come to a period when none of these conditions and none of these considerations exist. We are not forming a government now. We are the most powerful nation in the world, and consolidated into a nation. We are not compromising between slavery and freedom now. That question has disappeared forever. We are not acting upon political considerations now, for there are no pending measures for which more votes are needed in the United States Senate—measures of such magnitude, in the view of the majority of this body, that we can risk the whole future of equal State representation to get a few votes for the hour. That condition no longer exists. It has passed away.

The only condition under which the admission of a State should now be thought of or discussed is, regardless of politics, how it lines up in population, in the character of that population, in area, and in the possibilities of a future with reference to equal statehood in the Union. Judged by these considerations, I have failed to hear, I have failed to see presented or to hear read, one single argument, statement, or item of statistics that for one moment justifies the passage of the pending statehood bill and the admission of these States into the Union.

It is admitted by the Senators who have spoken, so far as they have spoken, in favor of the statehood bill that New Mexico and Arizona are not up to the standard, but they say that is because they are Territories; that if they were created States, population would flow in and capital would go in and Arizona and New Mexico would speedily become equal to the other great and growing and populous Nothwestern States, with their splendid futures. The difficulty with this argument is that we are presented right at its threshold with Oklahoma. Oklahoma has no statehood. Oklahoma is under Territorial conditions. But while New Mexico has been nearly sixty years in the condition of a Territory, while Arizona has been forty years a Territory, Oklahoma, as against the sixty and against the forty years, has been only eleven years a Territory. Yet Oklahoma in those eleven years has attained four times the population of either Arizona or New Mexico in fifty years. Oklahoma has five times the wealth of Arizona or New Mexico in the fifty years. Oklahoma has ten times all that constitutes a prosperous business community.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. I will.

Mr. BEVERIDGE. The Senator from New York has mentioned two of the principal claims of those in favor of statehood, which are that statehood in itself by some mysterious process would increase population and increase the investment of capital. The Senator is answering that. But I think the Senator himself can give testimony on that point, and that is the reason why I rise to interrupt him. The Senator from New York is not only the first orator of our land, but he is also one of those men who is justly entitled to the name that is so often used, a captain of industry, and a man who all his life has had to do with the investment of large capital.

I wish to ask the Senator whether in his long and very wide experience he ever knew capital to be invested in a place simply because it was in a State? I want to ask the Senator whether it is not true, as we who have nothing to do with capital in a practical way understand it to be upon theory, that capital invests for the dividends to be returned? I want to ask him whether it is not true that if mines exist it is quite immaterial whether they are on the one side or the other side of a Territorial or a State line; that if farms are fertile, streams are full, rainfall adequate, and resources abundant at a given place, that is the place to which capital goes? Is not that what attracts capital, and not merely because some gentleman who wants to be governor wants a different form of government, equally free? I want to call to the aid of the Senator's argument his own personal experience, because his word upon this subject is not the word of opinion, but the word of weight based upon experience.

Mr. DEPEW. Answering the question of the Senator from Indiana, statehood is not the attraction for capital. Statehood is not the incentive for enterprises. I know of numberless expeditions of explorations, and a great number of enterprises in the course of exploitation or of operation where capitalists have gone to Mexico. There are scores of American companies which have gone to Mexico and invested their capital under the laws and the conditions that prevail in that country. There are scores of American companies, with American capital, that have gone to the different countries of South America for the building of railroads, for the opening and working of mines, for the running of cattle ranches, for every industry in which money can be invested with the possibility of large returns. Statehood has nothing to do with the capitalist. It is the opportunity. It is the riches that may be had. It is the return which is possible upon the investment.

Mr. BEVERIDGE. It is said that trade follows the flag. Then capital follows opportunity.

Mr. DEPEW. Capital follows opportunity. Capital wants to be safe, and yet capital takes tremendous risks when there is opportunity of gain by investing in these South American countries, where it is liable at any moment if not to be seized at least to have its operations suspended by revolution.

Mr. President, how is it that Oklahoma gets on so many times more rapidly in everything that constitutes a healthful and prosperous community than New Mexico and Arizona—in ten years almost ten times as much, if you take it all, as those two Territories have done in fifty years? Why is it?

Mr. HOAR. And more than some of the old States.

Mr. DEPEW. Yes; more than some of the old States. As the Senator from Massachusetts says, Oklahoma has increased more rapidly than several of the old States. It is because Oklahoma has the climate, it has the soil, it has the streams, and it has that bounteous flow of rains from heaven and the soil to receive and absorb it, without which no harvest can come to the husbandman; that is the reason.

I know of no picture in the story of settlement, no picture in the creation of nations or of States, which reads so like a romance of that of the settlement of Oklahoma. I remember how my blood was stirred as the accounts filled the papers day by day of the row of American citizens lined up in every kind of vehicle—men, women, and children—held by the Army until the clock should strike 12 of the day when the barrier was removed and the Indian title was eliminated. And how the moment that the gun was fired along that line of hundreds of miles the rush took place across the border; and how that night—that night—there were thousands of families living under their own vine and fig tree, who had located their 160 acres of homestead; and that there were 20,000 people in the city of Oklahoma within twenty-four hours. There were not only 20,000 people in the city of Oklahoma, embracing men who had never met before, but there were women who had never before had any social relations together, strangers, and yet in forty-eight hours they had as Americans an American government. In forty-eight hours they had their mayor, they had their council, they had their magistrates, they had their policemen, they had their jail.

Mr. BURTON. May I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Kansas?

Mr. DEPEW. Certainly.

Mr. BURTON. Did it ever occur to the Senator that the advertisement and the method following the advertisement of the opening of Oklahoma appealed strongly to the venturesome spirit of the American people and did much to bring the people there?

If any other Territory would have had a like advantage it would also have had a population; I mean, if it had been advertised in the same way. Is it not true that we go, or we want to go, where we are told we shall not? The very fact that settlement was held back to a given period of time caused people to flock there so as to break over.

Mr. BEVERIDGE. Why did they stay?

Mr. DEPEW. Mr. President, I can appreciate what would have been the reverse of the picture of those happy homes in Oklahoma if those thousands of families had landed upon the alkali plains of Arizona or slept on the cacti of New Mexico. [Applause in the galleries.]

The PRESIDENT pro tempore. Applause is not permitted in the galleries, and it must not be repeated.

Mr. DEPEW. I can see those happy people finding pasture for their stock, finding water for their cattle, finding a soil which would yield them support for the future; laying out their schoolhouse here, staking out their village there, locating the courthouse yonder; looking where the churches were to be of the different denominations, and looking around among the likely people among them for their members of the legislature, for their Delegate in Congress. I can imagine what would have happened if those 30,000 people had landed on the alkali plains. I can see the cattle dying all around them. I can see them with their parched lips and eyes crying to heaven for water that does not exist, and they can not get back to the water which they left behind.

Mr. President, you might advertise the desert of Sahara and throw it open to the populations of all the world for all time to come, and there would be no rush of those people from southern Europe who are now crowding to our ports in order to find home and liberty and citizenship.

Why do not these people go to Nevada? She invites these populations. Millions of acres are there awaiting the husbandman; millions of acres are there awaiting the plow. But the trouble is that through the baked lands of unirrigated alkali the plow will not work and water does not exist. It is one of the beneficences, as also one of the limitations of Providence, that human beings can not live and can not make prosperous communities where harvests will not grow and water will not run.

I have here a little bit of doggerel, which I did not intend to read, but which I will read for the benefit of my friend the Senator from Kansas, and it may be interesting.

What constitutes a State?

I am sure my friend the Senator from Kansas, in his eloquent trips through that growing Commonwealth which illustrates in its own productive power what can be done where nature is beneficent, has often thrilled the corn grower and the coal digger of Kansas with "What constitutes a State?"

What constitutes a state?
Not high-raised battlement or labored mound,
Thick wall, or moated gate;
Not cities proud with spires and turrets crowned;
* * * * *
No! Men, high-minded men,
* * * * *
Who know their rights, and, knowing, dare maintain.

So wrote the famous poet, Sir William Jones, a hundred years ago. But under this bill the poet of the cactus and alkali with broken meter will say:

What constitutes a state?
Unbounded acres and unnumbered miles,
Where harvests will not grow, though nature smiles.
Where barren mountains and alkali plains
Deny the toiling settler labor's gains.
Where wealth does not accumulate, nor men decay,
For the soil is parched by night and day.
And man who knows his rights is up betimes
To seek his fortune in more genial climes?

[Laughter.]

Arizona, Mr. President, has 73,000,000 acres. She has been forty years a Territory. She has been promoted by every process by which an advertisement can reach a human being who is adventurous or has a dollar to invest. Out of her 73,000,000 acres she has, after forty years, 255,000 acres of farm land.

New Mexico has 78,000,000 acres. She was captured by General Kearny in 1846, sixty years ago. She had then a population which had been there for nearly three hundred years—a population of agriculturalists—and yet in three hundred years of settlement and sixty years of Territorial condition, with all the privileges of the Declaration of Independence and the Constitution of the United States and the laws which apply to American citizenship, out of 78,000,000 acres she has only 327,000 acres under cultivation, while Oklahoma in ten years has reduced 6,000,000 acres to cultivation, against 255,000 acres in Arizona and 327,000 acres in New Mexico.

Mr. BEVERIDGE. May I ask——

Mr. BURTON. May I interrupt the Senator from New York for a moment?

Mr. DEPEW. Certainly.

Mr. BURTON. How much greater is the product of the mines of Oklahoma than the product of the mines of New Mexico and Arizona?

Mr. DEPEW. Mining populations do not create States. A mining population alone is a shifting population; it is not a settled population. Tombstone, in Arizona, had, when it was a mining center, 12,500 people. The mines gave out, and in a week it had 1,200.

Mr. BEVERIDGE. It has 600 now.

Mr. DEPEW. And now it has 600.

Mr. BEVERIDGE. Now, will the Senator permit me? He spoke about the quantity of land in cultivation in Arizona. To make his contrast exactly accurate I will state that there are in Arizona this year under actual cultivation not the amount the Senator described, little as that is, but 185,000 acres; that is all.

Mr. DEPEW. Mr. President——

Mr. BURTON. Before the Senator begins, do I understand him to take the position that mining is not a stable industry? I should be very much pleased indeed if he would give in contrast with the figures he has just now given the product of the mines of Arizona and New Mexico as against the product of the mines of Oklahoma.

Mr. DEPEW. I do not know, Mr. President, that there are any mines in Oklahoma. I know that the wealth produced in Oklahoma is nearly ten times as much as the wealth produced in Arizona or in New Mexico, with all their mines, their cattle industry, their agriculture, and everything else. When you speak of mines constituting a State, I point to the history of the introduction of Nevada. Nevada was brought in here for political reasons. The party in power wanted two votes in the United States Senate, and they let Nevada in, and they let in two of the most brilliant men who ever were upon this floor.

Mr. HOAR. They wanted to carry the thirteenth amendment.

Mr. DEPEW. They wanted two votes to carry the thirteenth amendment. One of those brilliant Senators went from New York to be a Senator from Nevada.

Mr. BURTON. I do not want to interrupt the Senator so as to annoy him, and I see that an interruption does not.

Mr. DEPEW. No; I am very glad to be interrupted. I am seeking for information.

Mr. BURTON. Since the Senator takes the position that mining, which I always thought was one of the great industries of the world, does not produce wealth, I wish he would give us, if he can, in contrast or in comparison, whichever it may be called, the wealth produced from the mines of West Virginia and Pennsylvania, stating the proportion to the total products of these States and what they have had to do with making those States so rich.

Mr. BEVERIDGE. Will the Senator from New York permit me to interrupt him?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. The question of the Senator from Kansas is evidently intended to show that Oklahoma has no mines and that New Mexico has mines, and that therefore there are more resources in New Mexico than in Oklahoma. But it does not meet the comparison, even if it could be a comparison, which I do not think it can be, for the reason that the committee substitute proposes to make one State out of Oklahoma and Indian Territory, and that in the Indian Territory there are very rich coal mines, highly developed; mines of iron and mines of marble. While I have not the figures directly at hand, I venture the suggestion that the mines of the Indian Territory, which are a part of this new State which the committee proposes to make, exceed in value even now, under all the adverse circumstances, not with a Territorial but with no form of government, those of New Mexico.

Mr. BURTON. May I interrupt the Senator from Indiana?

Mr. BEVERIDGE. Certainly.

Mr. BURTON. Then I understand the Senator from Indiana to contradict the Senator from New York?

Mr. BEVERIDGE. Your understanding is poor, I will say. I did not contradict him.

Mr. BURTON. Your argument contradicts him. I understand that the Senator from Indiana now insists that mines do have very much to do with making a State, and that in order to make a big, growing, rich State you are going to rest upon the mines of the Indian Territory and attach it to Oklahoma. I will state the point I am trying to get at.

I asked the Senator from New York to give us something about the wealth of the mines of Arizona and New Mexico. Then when he said that mines would not make a State I called attention to the mines of West Virginia and Pennsylvania as having more to do than any other thing in making those States rich and prosperous.

Mr. BEVERIDGE. Mr. President, since the Senator addresses me, he did not understand me to say that I differed with the Senator from New York, or that either the Senator from New York or myself or any of us rests statehood upon this industry or that industry or the other industry; but we rest it upon the inherent resources of the Territory and upon the natural conditions which have brought or are sure to bring people there. People are what make States, and the only thing resources have to do with it is that resources bring the people and resources keep the people.

Now, the Senator from New York is entirely right when he says that a mining population, and particularly a mining population based upon mines of silver or gold, or even copper, is no substantial basis for statehood, for the reason that that industry is transient, whereas statehood is permanent.

The other night we had here a debate which, perhaps, lasted for two hours. The Senator from Nevada [Mr. STEWART] participated in that debate. In the course of that debate it appeared that Nevada had actually shrunk in population since she had been admitted into the Union. The Senator from Nevada said that at the time of Nevada's admission Virginia City had 27,000 people in it, and now it has only 4,000 or 5,000, and that the reason for that remarkable shrinkage was the fact that the mines had become exhausted.

Now, Mr. President, when we are doing something that will last as long as this earth endures, the Senator from New York I think is exactly right, in the light of the history of what are called mining camps, when he says that the industry of mining alone is no permanent basis for a State.

The Senator from Kansas cites Pennsylvania. Mining is not the only resources of Pennsylvania. While I have not the figures at hand at all, and I have not examined them, I will venture the assertion that it will be found that the great majority of the people of Pennsylvania do not depend upon mining at all, but upon farming and manufacturing and other industries not directly connected with mining. I think the Senator from Kansas himself will probably admit, on second thought, that that is true.

The mines of Pennsylvania are coal mines, vast deposits put in the earth for the purpose of fuel; they are not like the mines the Senator from New York refers to.

Mr. NELSON. Will the Senator from Indiana allow me to interrupt him?

Mr. BEVERIDGE. Certainly; I yield to the Senator from Minnesota.

Mr. NELSON. I want to call the Senator's attention to the fact that the number of the people engaged in mining in those two Territories is very insignificant. There are only about 7,000 people of all classes engaged in mining in Arizona and a little over 4,000 in New Mexico, and the mining of gold, silver, and coal all combined is very limited in New Mexico.

The only mining industry of any consequence in either of these Territories is in Arizona, and that is in reference to copper. The gold output and the silver output in Arizona is very limited, and in New Mexico it is still more limited. In New Mexico they have a little coal, but even that is limited.

The mining industry of those two Territories combined does not equal to-day the mining industry that is going on within the limits of the Indian Territory. There are more people engaged in coal mining and in the asphalt and coal industry in the Indian Territory to-day than there are engaged in mining of all classes in Arizona and New Mexico.

Mr. BURTON. Then, I understand, if the Senator will allow me, that you do claim that mining has very much to do with the development of a country?

Mr. NELSON. I wish to say to the Senator from Kansas that one effect of the mining population in Arizona is that they have a law (I take it that it is for the benefit of the miners) by which they keep saloons and gambling houses and other places of resort open day and night, Sundays, and all the year round. I think that is one of the incidents that belong to a mining population. If it was not for the fact that there are mining camps they probably would not have such a law and such license in that country.

Mr. BURTON. I notice, as far as saloons are concerned, that they are in a great many States, except my own. But I call the attention of the Senator from Indiana to the fact that manufactures and the sources of wealth of West Virginia and Pennsylvania depend upon the mines.

If you say that Nevada has gone back, I would answer that by saying that seventy-five years ago farm lands were worth more in New England than they are now. They have gone back also.

Now, another thing, while I am on my feet, if the Senator will allow me, I do not believe this country has ever lost anything by the admission of Nevada. I do not believe that the general legislation of this country has suffered. I believe Nevada has contributed her full share toward wise and beneficent legislation ever since the State has been admitted into the Union.

Mr. HOAR. Mr. President, may I ask the Senator if Nevada, taking the situation exactly as it is at this moment, would now apply for admission as a State, would he vote to admit her?

Mr. BURTON. I certainly would, Mr. President. I would vote to admit all the Territories on this main continent where the people want to become States and exercise all the high privileges of American citizens.

Mr. NELSON. Would the Senator from Kansas vote to admit Alaska and Porto Rico at this time?

Mr. BURTON. Alaska is not a Territory, neither is Porto Rico.

Mr. NELSON. Oh, yes; Porto Rico is.

Mr. BURTON. Not in the sense in which New Mexico and Arizona are Territories.

Mr. NELSON. No; not in that sense, I admit.

Mr. BEVERIDGE. I ask the Senator from New York to yield to me a minute upon this particular point about Nevada.

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. We had all that debate out the other night, and of course it is not necessary to go over it again. I do no wish to reflect upon Nevada. The rules of the Senate forbid it, and I have no disposition to do it, if it is true. But the question is this: Is it the carrying out of our democratic form of government—that is to say, the representation of people instead of land—that 18,000 voters in Nevada should have as much power in deciding all the policies of this country, foreign and domestic, as the million or more people in Kansas have?

Mr. BURTON. If the Senator addresses that question to me, if he will allow me——

Mr. BEVERIDGE. Yes.

Mr. BURTON. I will say, as it bears upon part of the debate which has been heretofore had, that in one of the counties of Kansas, in the recent election, less than 200 votes were polled to elect a member of the legislature and in another one of the districts over 4,000 votes were polled to elect a member of the legislature.

Mr. BEVERIDGE. I should say that you have a very bad apportionment.

Mr. BURTON. The apportionment is a good and a wise one, and everybody in the State believes in it.

Mr. BEVERIDGE. Perhaps that throws some light upon the question as to whether 18,000 votes in Nevada should have an equal voice upon the floor of the Senate with the State of Kansas. The point about it is that the whole principle of popular representation is at stake in this matter. Where it is based upon an industry such as gold mining or otherwise, where it may decrease to a proportion that is abhorrent to the sense of reason of every man, it is a thing which should give us serious concern before we do it, because once done it is done forever.

Mr. DEPEW. Mr. President, I regret that the Senator from Kansas should be taken out of this debate. [Mr. BURTON in the chair.] I will, however, answer the question of the Senator from Kansas, and without attacking Nevada. That is ancient history. It emphasizes the fact that when a State is once in the Union it is there to stay. Nevada might get to a condition where the only population would be her two United States Senators, and she would still stay, and those two Senators would neutralize the Senator from Kansas and his colleague upon matters which might be vital to Kansas and to which these two Senators were opposed.

As to the question of mining, take a purely mining State and what are the prospects of its growth? Nevada is the illustration. Nevada had 42,000 in 1870. She had 62,000 in 1880. That was at the height of the productive power of the Comstock mines. She had 45,000 in 1890 and 42,000 in 1900.

Now, it is a fact that a State can become prosperous and populous and grow without mines, but a mining Territory can not grow unless it has agriculture, manufactures, commerce, and varied interests. Senators cite the case of the New England States, and the fact that land is worth less in Massachusetts to-day for agricultural purposes than it was one hundred years ago. That may be true. But Massachusetts is so situated——

Mr. HOAR. I beg the Senator's pardon. I do not wish to unnecessarily interrupt him, but I should like to state the county where I dwell is the fourth or fifth county—I have not looked at the last census—in the whole Union in the value of its agricultural products. There are abandoned farms in Massachusetts on the hilltops. For some unexplained reason, probably to get rid of malaria, the Puritan settlers of Massachusetts settled on the tops of hills. Most of our old country towns where there are hills have their old town centers on the very tops of the hills without regard to the quality of the land. There are old rocky farms that have diminished in value, but to say that the agricultural lands in Massachusetts have, as a whole, diminished in value is incorrect. They have increased immensely in value by reason of their neighborhood to numerous manufacturing towns and cities. Vegetables, small fruits, and such things are raised there and sold fresh in those towns.

The statement which the Senator is making, I understand he is merely quoting from other Senators.

Mr. DEPEW. Yes.

Mr. HOAR. The fact is that the farms which have diminished in value are what are called the hilltop farms, distant from villages.

Mr. DEPEW. I am very glad of that statement of the Senator from Massachusetts, and so I correct my statement as to the farm lands of Massachusetts having diminished in value in a hundred years.

Here is Massachusetts, which has no mines. I have just cited the case of Nevada, which has been almost constantly decreasing in population since the closing of the Comstock lode. Massachusetts, with agriculture, with manufactures, and with commerce, had a population—I am giving round numbers—of 523,000 in 1820; of 610,000 in 1830; of 737,000 in 1840; of 994,000 in 1850; of 1,231,000 in 1860; of 1,457,000 in 1870; of 1,783,000 in 1880; of 2,238,000 in 1890, and of 2,805,000 in 1900.

Take the two States which the Senator from Kansas [Mr. BURTON] cited for illustration, West Virginia and Pennsylvania. If Pennsylvania had nothing but her coal mines, if she had no fertile soil, if she had no well-watered plains, if she had no vast manufacturing interests, made possible because of her agriculture, if she had no commerce—and commerce does not come from mines; it comes from agriculture and the products of agriculture and manufactures—Pennsylvania to-day would consist of settlements around the openings of her coal mines in the limited portion of her territory—of her anthracite and bituminous fields. Pennsylvania would be in the condition these Territories are in unless water can be found to irrigate them, and Pennsylvania, outside of the one county where her anthracite coal is and the ten counties where her bituminous coal exists, would be a desert. She would have no population and she would have no growth.

Mr. President, the point was made here, in his very eloquent and able speech, by my friend from Ohio [Mr. FORAKER] that the internal-revenue receipts and the post-office receipts, coming from a State or Territory into the Treasury of the United States, were the measure of its prosperity and the hope for its future; and the Senator gave figures.

Arizona paid last year internal-revenue taxes amounting to $61,698.96; New Mexico, after sixty years of existence in the country and three hundred years of government, contributed last year in internal revenue to the Treasury of the United States the magnificent sum of $15,031.22. I emphasize the cents, Mr. President, because they are important in figures like these. [Laughter.] New York contributed——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. BURTON in the chair). Will the Senator from New York permit an interruption?

Mr. DEPEW. Yes, sir.

Mr. FORAKER. I have just come into the Chamber, and I understand the Senator has been quoting figures I gave when I was addressing the Senate on this subject.

Mr. DEPEW. I was quoting the figures given by the Senator as to the internal-revenue and post-office receipts.

Mr. FORAKER. Did the Senator state that I stated that the total receipts from internal revenue in the Territory of New Mexico for the last year were but fifteen thousand dollars and some cents?

Mr. DEPEW. No; I said the Senator gave the total for the two Territories, and then I found in the only statistics I could reach what were the returns for Arizona, and when I ascertained them, there was left but $15,031.22 for New Mexico.

Mr. FORAKER. The Senator is entirely mistaken in making that statement. If I can find the place where I made that quotation, I will ask him to allow me to make a correction. I do not know how it comes that he has been misled as to what I said. I remember that I gave the respective internal-revenue receipts and the post-office receipts from New Mexico and from Arizona separately. I now turn to where I made the statement in my speech, and I find I stated that the internal-revenue receipts from New Mexico, as shown by the official statistics, were, in 1890, $37,671.19, and in 1901 the internal-revenue receipts from New Mexico amounted to $58,609.31.

I called attention, while making that statement, to the fact that the war taxes had doubtless increased the internal-revenue receipts for the last year, which I quoted, somewhat; and that that difference did not therefore represent the regular increase, and when I quoted the statistics in that respect as to Arizona I said that the internal-revenue receipts from Arizona in 1890 amounted to $28,416.06, and in 1902 to $129,267.95.

Mr. DEPEW. Those are post-office receipts.

Mr. FORAKER. I beg pardon; they are.

The internal-revenue receipts from Arizona for 1892 were $17,965.90, and for 1901 they were $61,698.96. And the internal-revenue receipts for New Mexico were not $15,000 for last year, but $58,609.31, as reported to me when these figures were taken from the census returns.

Mr. DEPEW. Well, Mr. President, accepting, as of course I accept, the figures of the Senator from Ohio, I will say that I got the figures which I quote from the compilation in the Eagle Almanac and the World Almanac, and I am using them both.

I find against $58,000, if you please, for New Mexico and $61,000 for Arizona, that here is Illinois with $54,000,000; Indiana with $25,000,000—and neither of these States has the age of settlement of New Mexico—Kentucky with $21,000,000—that is an old State—Pennsylvania with $32,000,000; Wisconsin with $10,000,000; California and Nevada—and of course California contributed the most of it—$3,785,000; and Connecticut and Rhode Island, $3,000,000. Even Hawaii has about $20,000 more than New Mexico, and $10,000 more than Arizona.

When you come to post-office receipts, which are in a measure an index of population, an index of the intelligence of a people, of their schools, their colleges, their commerce, and their internal trade, we find these astonishing results: The post-office receipts for Arizona for the year ending June 30, 1902, amounted to $129,267.95, and the post-office receipts for New Mexico for the same period amounted to $93,684.17.

I have here the post-office receipts of 51 cities of the United States, which run from $11,000,000 in New York to $218,000 in Racine, Wis.; $213,000 in Allegheny, Pa., and $314,000 in Syracuse, N. Y. In every one of these 51 cities the post-office receipts are larger than, in fact are more than double, those of New Mexico and nearly double those of Arizona.

But here is a significant comparison as to Oklahoma. We have, in making these figures, to return constantly to the years of settlement, and so I have to repeat that New Mexico has been in the Union sixty years and under Territorial government for fifty-one years, while Oklahoma has been only thirteen years open to settlement, and has had a Territorial government only about twelve years. With twelve years against sixty, the post-office receipts from social letters, commercial letters, trade letters, letters of activity, which make a State, were in New Mexico $93,000 and in Oklahoma $267,000, almost three times as much, and Oklahoma only twelve years in a Territorial condition.

For forty years Arizona has been exploiting her mines, having her cities increase 10,000 to 12,000 almost in a night and run down from 12,000 to 600 almost in a night. She has been for forty years open to the most favorable settlement, and exploited by the most enterprising people in the United States, and yet her post-office receipts last year were only $129,000 against Oklahoma's $267,000, after being only twelve years in a Territorial condition.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Will the Senator from New York permit an interruption?

Mr. DEPEW. Certainly.

Mr. FORAKER. I interrupt the Senator, if he is willing that I may, only to ask him a question as to whether or not the figures he gives as to Oklahoma show the receipts for any but the Presidential offices?

Mr. DEPEW. That is all I could get—the Presidential offices.

Mr. FORAKER. That is also true as to Arizona and New Mexico. The receipts are only those from Presidential offices. The fourth-class offices are not reported at all. That would swell the figures somewhat; but then the figures for Oklahoma would, I suppose, be correspondingly increased. I did not know what analysis the Senator had made of the figures.

Mr. BEVERIDGE. The proportion would be maintained.

Mr. FORAKER. It would probably be maintained.

Mr. DEPEW. Mr. President, in discussing a question I get somewhat off from my line of argument with these interruptions.

There is one point which has been dwelt upon here, which, in my studies, seems to me to grow in importance. It seems to me to indicate that there has been another hand in the preparation of this bill than the people who are interested in statehood. This bill received little or no consideration in the other House. It was prepared by the interests which wanted statehood given to these Territories immediately, whatever those interests were. It passed the House in that sort of general consideration which sends so much of undigested legislation to the Senate——

The PRESIDING OFFICER. The Chair must remind the Senator that it is not in order to comment upon the action of the other House.

Mr. DEPEW. Am I commenting on the other House?

The PRESIDING OFFICER. It so appeared to the Chair.

Mr. DEPEW. Well, I beg pardon. I was going to pay the House a compliment. I was going to remark in regard to the House that it passed an enormous amount of legislation, a prodigious amount of legislation, which it gets from its committees and passes to the Senate, such volumes of bills as to indicate on that side a vast capacity of statesmanship for construction on the

spur of the moment. [Laughter.] I hope I am now within parliamentary lines. And in grasping these colonial, continental, internal, and external matters, it has prepared and sent to us this bill, as to which our Democratic friends will not permit us to add a dot, to cross a "t," or make any suggestions whatever.

The one question in which the good people of this country are more interested than in any other is Mormonism in the Territories which it is proposed to admit to statehood. It was supposed when the Edmunds bill passed, making it a felony to perform polygamous marriages or to live in a polygamous state, that the main prop was taken away from Mormonism, that the Mormon Church would gradually decay, and that it would die out with its professors of the hour. But the Mormon Church has increased enormously since that time—increased in numbers and in power. Mormon missionaries are all over the world. They are gathering recruits through the whole of the Scandinavian country, and are now successfully invading Germany and southern Europe. Nothing so illustrates the power of concentration or the ability of concentrated power as the history and the present dominance of the Mormon Church.

There are 7,000 Mormons in Arizona—one-twelfth of its white population—in other words, one in every twelve of its people is a Mormon.

The Democrats of Arizona, the Republicans of Arizona, the Populists or the Silverites of Arizona are moved according to the conscience and the judgment of the individual citizen. There are divisions between the two great parties and divisions in the minor organizations which are separate from or occasionally act with the two great parties; but here is a solid vote, controlled by one mind, controlled by one hand. The spiritual adviser, who is also the spiritual and the temporal guide of this Mormon population, looks not to the interests of this party or to the welfare of that party, but he says to the Democratic leader, "What will you do in protecting Mormonism?" and to the Republican leader, "What will you do in protecting Mormonism?" We all know that if there is any fallibility in the world it is the judgment at election time of the political leader of any party.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Will the Senator from New York permit an interruption?

Mr. DEPEW. Certainly.

Mr. PATTERSON. The Senator from New York suggested that the Mormon Church, through its apostles or leaders, propounds to the Republican party the question, "What will it do to protect Mormonism?" and to the Democratic party, "What will it do to protect Mormonism?" I want to ask the Senator from New York, if that is true, whether or not the Republican party did not make the highest bid two years ago and pledge itself to do more to protect Mormonism than did the Democratic party? If what the Senator says is true, then the Republican party got only what it bargained for two years ago.

Mr. DEPEW. The answer to that Mr. President, is that both parties probably made every bid that was possible, but the Mormons trusted the Republicans. [Laughter.] Then the Mormon leader, the shrewdest and most capable of leaders, knew that in the trend of civilization, in the spread of colleges and schools, and in the growth of education, the Republican party was likely to grow and the Democratic party otherwise; and that he had better make his bargain on that side, as there would be more permanence to it.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Will the Senator from New York permit an interruption?

Mr. DEPEW. Certainly.

Mr. PATTERSON. Mr. President, I do not know how true the reports of this bargain may be, but out in our country two years ago there was a common report, which was generally believed, that a bargain to the following import and the following effect was made: That the leading Mormon apostles came East and had an interview with the high officers of the Republican party two years ago. At that time a gentleman by the name of Smoot spoke about being a candidate for the United States Senate. As a result of the visit it was suggested, "Turn Utah over to the Republicans, recede from your silver heresies, come into the Republican fold, let Mr. Smoot ignore his ambitions this year, and several things will occur. First, we will give you a Mormon for governor." If that was the bargain, it was carried out, because they have got a Mormon for governor.

Mr. SPOONER. They have a majority, have they not?

Mr. PATTERSON. Next, Mr. Smoot did retire from the field, but became a candidate this year in accordance with the programme, and he has been elected to the United States Senate. Next, that there was some understanding or agreement that the Republican majority of the Senate was to see to it that no antipolygamy amendment to the Constitution was proposed.

Mr. BEVERIDGE. Was Mr. Smoot one of the parties to the agreement?

Mr. PATTERSON. It is said that Mr. Smoot was one of them.

Mr. BEVERIDGE. With whom did the Mormon leaders make the agreement?

Mr. PATTERSON. Oh, I do not want to mention names. You know who the high officials of the Republican party are.

Mr. BEVERIDGE. Who are the high officials of whom you speak?

Mr. PATTERSON. I prefer not to mention names, Mr. President. Whether the agreement was made or not, we know that the promises upon the part of the Republican leaders up to this time have been faithfully carried out. Whether they will be carried out in the next session of Congress of course remains to be seen when the credentials of the newly elected Senator from Utah will be presented. We know that Utah immediately reversed its very great anti-Republican majority and came pell mell—horse, foot, and dragoons—over into the Republican fold.

Mr. DEPEW. Mr. President, upon that very point I wish to say that if there was any bargain I do not know anything about it. The details of it have been revealed to the Senator from Colorado, but I was in New York at the time and was not taken into the inner council, if there was an inner council, or into the consultation, if there was a consultation; but I call the attention of the Senator from Colorado to the fact that this bill has nothing in it to prohibit polygamy in these Territories when they are admitted as States. It has been demonstrated here that the clause which is pretended to accomplish the purpose of prohibiting polygamous marriage and polygamous living to be put into the constitutions of these States is a sham. It has been shown here that under this provision in these constitutions polygamous marriages can take place and there can be no punishment.

Now, notwithstanding that that has been shown, there has been no proposition from any Democratic Senator or any Democratic source that under any circumstances the antipolygamous provision shall be strengthened. On the contrary, when that subject was under discussion here a few days ago, my friend the senior Senator from Colorado [Mr. TELLER], instead of saying "Yes, I want the provision in regard to polygamy made just as strong as human language can draw it," said there was no need of such a provision, because, if I remember him rightly, the antipolygamous people of those States would never permit this institution to flourish after the State was admitted into the Union.

Mr. TELLER. Will the Senator from New York allow a suggestion?

Mr. DEPEW. Certainly.

Mr. TELLER. If the Senator from New York and his friends will fix a day when we can vote on the bill we will all agree to join him in strengthening the antipolygamy provision.

[At this point Mr. DEPEW yielded the floor for the day.]

Friday, February 13, 1903.

Mr. DEPEW. Mr. President, when I was interrupted by a motion for an executive session, I was discussing the question of Mormonism in its relation to the pending statehood bill. I was saying that the statehood bill had made no provision which was effective in the requirement which it exacted from these proposed States when they came into the Union in reference to the prevention of polygamy and polygamous marriages. It seems from the character of this provision and from the facts that it failed utterly to meet the case, that the fine Italian hand of the Mormon apostles had been at work in the preparation of the measure, and that the influence, the concentrated influence, of the Mormon hierarchy could be seen in the determined effort to prevent any amendment which would perfect completely the exclusion of polygamy in the constitutions of these three proposed States.

Under those circumstances, Mr. President, it becomes exceedingly interesting to ascertain what is the attitude of the Mormon Church and what is its influence wherever it has numbers which it can vote.

Senators upon the other side claim that there is no necessity to limit in those constitutions the power of the States which are to come into the Union to deal with this question. They claim that the sentiment in those States, without any provisions being placed in their constitutions by act of Congress, would be all powerful to enact such laws as would prevent polygamy or polygamous marriages in these various States.

Mr. President, in the Territory of Arizona at present one-twelfth of the population is attached to the Mormon Church. If we could carry that number into the State of New York, it would constitute 600,000 people in that State who would belong to and be under the control of the Mormon Church.

It is not disputed by anyone that the votes of the members of the Mormon Church are absolutely controlled by the central hierarchy of that organization. I want to say that in the close

politics of the State of New York, if there were 600,000 of that population, representing something over 100,000 votes, as it would, which could be controlled by one mind, by one purpose, appealing first to this party and then to that, they would be enabled to exact terms from both parties for their own protection, for such legislation as they wanted and for the prohibition of such legislation as they did not desire. Everyone knows how in the election of members of a legislature, if there is a solid body of votes sufficient to control a district, both parties are willing to pledge their candidates to that vote for whatever that vote desires.

I have here an address delivered on the fiftieth year of Mormonism, in 1880, by the ablest and most eloquent bishop of that church. It was delivered at a great convention held at Salt Lake City for the purpose of celebrating the triumph of Mormonism, its past, its then present, and its future. The bishop said:

Like a grain of mustard seed was the truth planted in Zion; and it is destined to spread through all the world. Our church has been organized only fifty years, and yet behold its wealth and power. This is our year of jubilee. We look forward with perfect confidence to the day when we will hold the reins of the United States Government. That is our present temporal aim; after that we expect to control the Continent.

When told that such a scheme seemed rather visionary, in view of the fact that Utah could not gain recognition as a State, Bishop Lunt replied:

Do not be deceived; we are looking after that.

We intend to have Utah recognized as a State. To-day we hold the balance of political power in Idaho, we rule Utah absolutely, and in a very short time we will hold the balance of power in Arizona and Wyoming. A few months ago President Snow, of St. George, set out with a band of priests for an extensive tour through Colorado, New Mexico, Wyoming, Montana, Idaho, and Arizona to proselyte. We also expect to send missionaries to some parts of Nevada, and we design to plant colonies in Washington Territory.

In the past six months—

And remember this was twenty-two years ago—

We have sent—

I call attention to that. I call attention to the fact that these are not voluntary immigrants. I call attention to the fact that these are not colonists moving, as they do in those Western States, in prairie schooners from the farmhouses to settle for themselves after they have found a proper location, but that they are sent by the church in those large and compact bodies—not colonists primarily, not to secure farms primarily, not to make a living, for they have a living already and already have farms, but in order to colonize their followers in sufficient numbers and in sufficiently compact bodies to control the legislation of the Territory. So I repeat from the bishop's sermon:

In the past six months we have sent more than 3,000 of our people down through the Sevier Valley to settle in Arizona, and the movement still progresses. All this will build up for us a political power, which will in time compel the homage of the demagogues of the country. Our vote is solid, and will remain so. It will be thrown where the most good will be accomplished for the church. Then, in some political crisis, the two present political parties will bid for our support. Utah will then be admitted as a polygamous State, and the other Territories we have peacefully subjugated will be admitted also. We will then hold the balance of power, and will dictate to the country. In time our principles, which are of sacred origin, will spread throughout the United States. We possess the ability to turn the political scale in any particular community we desire. Our people are obedient. When they are called by the church they promptly obey. They sell their houses, lands, and stock, and remove to any part of the country the church may direct them to. You can imagine the results which wisdom may bring about with the assistance of a church organization like ours.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. DEPEW. Certainly.

Mr. RAWLINS. Can the Senator give me the name of the author of the address from which he has been reading?

Mr. DEPEW. Bishop Lunt.

Mr. RAWLINS. Can the Senator inform me at what place that sermon was supposed to have been delivered?

Mr. DEPEW. According to this pamphlet, it was delivered to celebrate the fiftieth anniversary, the jubilee, of Mormonism.

Mr. RAWLINS. At what place?

Mr. DEPEW. The pamphlet does not state at what place.

Mr. RAWLINS. I think it is but fair to the Senator to say that that address is in its authorship fictitious; that there is, I think, no bishop of that name in the Mormon Church; certainly none that I ever heard of. But I have heard before of the address, and I am quite sure it is fictitious because it describes a condition which is impossible. No Mormon bishop would talk about sending 3,000 colonists through the Sevier Valley into Arizona, because it is a route that is utterly impossible. Besides, I am quite sure that is a fictitious address prepared by some one to disclose his idea of the purposes of the Mormon Church. I think the Senator has been imposed upon; and I thought it but just to call his attention to that fact.

Mr. DEPEW. Mr. President, I would not under any circumstances quote from a sermon which I did not believe had been delivered, or state beliefs of the Mormon Church which I did not suppose were its beliefs.

This pamphlet has been gotten out by the League for Social Service, of New York, under the sign manual and responsibility of Rev. Josiah Strong, D. D., one of the ablest clergymen of the Presbyterian Church, and the author of two books, one of them called "Our Country," and the other "The New Era;" which are amongst the most valuable contributions to the statistics which mark the growth and progress of the United States.

Mr. RAWLINS. I have not any doubt of the belief of the Senator that he was reading an address which had actually been delivered by some prominent Mormon official, but the prominent churchmen in the Mormon Church are the president of the church, two councillors, and the quorum of twelve apostles. The bishops are really subordinate officers, having jurisdiction only in small localities—wards. The occasion which is described there would have given the matter such prominence that if such an address had been delivered I am sure we would have heard of it. Besides, that has been——

Mr. DEPEW. Twenty-two years ago.

Mr. RAWLINS. I know that address has been repudiated years ago; and I do not think any non-Mormon familiar with the situation, however much he may be opposed to the purposes of the Mormon Church politically or otherwise, would be willing to ascribe that to them.

Mr. DEPEW. I should like to ask the Senator whether, in his opinion, the Mormon Church would repudiate what the bishop is here alleged to have said?

Mr. RAWLINS. The Mormon Church organ has, I think, repudiated that sermon and the correctness of its statements. Of course, some prominent Mormon leaders have given expression to the idea that theirs was to become the paramount church, and things of that sort; but I think some individual has prepared that address as exemplifying what he conceived to be the purposes of the Mormon Church.

Mr. BEVERIDGE. Will the Senator from Utah permit me to ask him a question?

Mr. RAWLINS. Yes.

Mr. BEVERIDGE. I know nothing about the authenticity of this sermon, nor do I know about the facts which the sermon itself assumes to state, but I ask the Senator from Utah—he is, perhaps, better informed in regard to this subject than any of us, because he lives so close to the Mormon people—what he has to say about the facts given in the sermon itself? Of course the sermon is of no consequence, except as it does state or does not state actual conditions. Now, what is the fact about the actual conditions? What is the fact about the propaganda? What is the fact about the colonization? What is the fact about all those things which the sermon itself assumes to state as facts? I ask the Senator for information.

Mr. RAWLINS. Mr. President, the Senator is endeavoring to cast a burden upon me which I do not feel myself able to sustain.

Mr. BEVERIDGE. I do not know the facts myself, and I should like to know from the Senator what the facts are.

Mr. RAWLINS. Those statements cover a multitude of things. It would be best to get information in regard to these matters from the standard works of doctrine of the Mormon Church. They have certain books of doctrine and covenants, and in those books will be found what they claim to be the correct statement and enunciation of the tenets and doctrines and purposes of the Mormon Church. I am not sufficiently familiar with them to answer the inquiry of the Senator from Indiana. As to any material condition in Utah, if that were relevant at this time, I should be glad to give my own views upon it.

Mr. BEVERIDGE. I will call the Senator's attention to the fact that in that sermon the bishop states some alleged facts about the propaganda of Mormonism, the colonization of Mormonism in Arizona, and other facts outside of his own opinion. Of course, Mr. President, the sermon itself, even if it were authentic, would not be of any consequence if it did not state the facts—if it was merely the extravagant expression of some religious enthusiast; but even if it were not that, and nevertheless did state the facts, that would be the chief thing. Now, what I was asking the Senator was, from his observation—his opportunity for observation being nearer than ours—what his information was as to those facts, as to Arizona, for instance.

Mr. RAWLINS. As to the matter of colonization?

Mr. BEVERIDGE. Yes; and all the other things, the series of facts stated there.

Mr. RAWLINS. As to colonization, the Mormon Church since its foundation has sent out a great many missionaries in different countries for proselyting and making converts. Those converts were invited to gather in Utah.

As people came in it was the policy of Brigham Young, during his leadership of the church, to find homes for them.

As the lands in Utah subject to reclamation became occupied, the members of the Mormon Church decided to find homes for the surplus population. The people went out into Wyoming, and

some prominent man in the church would be designated to go along with them. The church organization would follow the Mormons, and the church form of government would prevail in the new colony. So they went into Idaho; so they have gone down into Arizona. They have also gone into the Republic of Mexico. There are some up in Oregon. They are finding homes generally. But whatever may be the dream of some leader of the Mormon Church about political power, the main purpose of establishing these people in colonies in different places is to provide homes for them, and I do not think any prominent churchman would give expression to the thoughts which are contained in that supposed address from Bishop Lunt.

I have already stated the influence of the leaders over the Mormon people growing out of the original condition in which they were found. Some of the leaders are disposed to exercise their power in political affairs. There is an increasing number of Mormons, however, who claim their independence in political matters, who resent such interference and who will not obey the dictates of the leaders. Many Republicans, if they were told by their leading churchmen to vote the Democratic ticket, would not do it, and many Democrats, if told to vote the Republican ticket, would not do it.

Many others who have been in the habit of taking counsel upon various matters, feeling in a degree dependent upon the church leaders—their organization being a sort of religious paternal government in the past—would do it. Their influence in the way of controlling elections, where elections are close between the parties, is very great.

The conditions will be the same in Arizona that they are now in Wyoming. The Senators from Wyoming know whether or not Wyoming ought or ought not to be in the Union by reason of that condition. I take it that everybody in Wyoming would say that they preferred to be a State with a considerable percentage of Mormon population there than to be in the condition of a Territory.

All we could do in this connection in regard to any provision in the constitution of a State forbidding polygamy, regulating the sale of intoxicating liquors, or making any domestic State regulation would be futile, unless approved by a prevailing public sentiment in that State which would demand its enforcement. You may put a provision upon the statutes or you may put it in the constitution of a State, and if the sentiment of the people is against its enforcement it will be a dead letter.

When this question came up in the other House my position there was this: I said, if it is necessary to put a provision in the constitution of the State of Utah providing for the punishment of polygamy, Utah is not prepared for statehood, because such a provision will be idle unless the sentiment of the community is such as to put it into effect. If the sentiment in the State is in favor of the suppression of polygamy it will be suppressed by the State law without any reference to the State constitution. If the sentiment is in favor of the establishment of polygamy a prohibitory provision in the constitution is nugatory and idle. It is simply making a declaration which is of no value upon the fundamental law, which is merely declaratory, if it has any effect at all, of the unfitness of the people for admission into the Union. It does not reach the evils which are complained of. It is not, in my judgment, at this time, a question of polygamy.

In talking about the inadequacy of the provisions in this proposed statehood bill, the question of the exercise of political power is a question which you can not very well reach. Of course you might say that no member of any church which claims the right to dictate to its people how they shall vote or what they shall do in matters of state shall be permitted to vote or to hold office; but the adequacy of such a provision to correct an evil of this kind is doubtful.

It seems to me that what you must in the end rely upon is the American sentiment. The spirit of the American people, which has created and preserved our free institutions, will prevail, and the hierarchy and its rule must succumb in the presence of that sentiment everywhere in every locality in this country. I think that is the true remedy.

When you assail any church you solidify its membership. Let the people go out and undertake the exercise of the privileges of government, the right to vote and to hold office, giving rise to the various contentions and claims and arguments which are made in that respect, speakers making one claim or another going to advocate their doctrine, and in the end such a people will not be the slaves of any hierarchy. They will be independent people. If not so now, their children will be.

Utah has had troubles, and will continue to have some trouble on account of this church; but what are we going to do about it? It does not do any good, in my judgment, to stand here and arraign the entire people, to brand every Mormon as a slave, for that is an unjust accusation. When you do that, you solidify those who would aid you in bringing about the very condition which you desire to see established. Whenever external force is employed against a people, arraigning them, their church, and their faith, it solidifies them, and you are unable to make any impression upon them whatsoever.

You have no basis upon which to appeal to them. They look upon your action as persecution. Instead of promoting the end you have in view you accomplish the very opposite. Persecution is the seed of the church. Some apostle or some president of the church or some bishop may go out and say to his followers, "Now, you vote this ticket or that ticket." To-day in Utah he does it, and denies that he does it. He does it with the disapproval of the sentiment of the community. When it is brought to light and he is arraigned about it, he seeks to evade responsibility. That of itself is evidence of a vastly improving condition in that State.

I want to say here of American communities, in every locality of this country inhabited by the Anglo-Saxon race or the Scandinavian race, or the German race, however strong may be their religious ties, their devotion to their country in the end will make them good citizens. And when you have, notwithstanding what you may be pleased to call their fanaticism, an otherwise honest, frugal, and industrious people, who maintain economical and honest government, you need to have only a little patience and in the end your patience will bear fruit, especially if political leaders offer no inducements to prominent churchmen to interfere.

Mr. BEVERIDGE. Will the Senator from Utah pardon me? Would the Senator suggest, along that line of argument, that nothing at all should be put in the enabling act concerning polygamy if it were futile?

Mr. RAWLINS. That was my precise contention in the House ten years ago when the question came up as to the insertion of a provision in the constitution. I said then that the provision which was inserted as I remember on motion of Judge Powers of Vermont, that polygamous and plural marriages should be forbidden, was absolutely useless and idle; that if the public sentiment in Utah was not in favor of the suppression of polygamy, that that provision would not lead to its suppression; that if the public sentiment was in favor of affording protection to those who became polygamists or lived in unlawful cohabitation, that provision would have no terror for them; and that after all, whatever you might put in the State constitution, you would have to rely upon the public sentiment in the local community for its enforcement, and if it was in favor of the suppression of polygamy the legislature would provide laws against it and those laws would be enforced and such a provision in the constitution would be unnecessary.

So, I say now, in regard to Arizona. If you insert such a clause as is now in, or if you enact a penal code, if you please, containing all the necessary qualifications and exceptions to define the offense, and make it self-executing, so far as the provisions of the constitution are concerned, what does it amount to if the Mormons are in control and they are determined to have polygamy and elect the prosecuting officers and the judges, and sit upon the grand jury and the petit jury. If you are going to have a provision which will be of any effect to you at all, you will have to go further than any Senator has proposed.

You will have to define polygamy and all its kindred offenses as you would define them in a penal code. You will have to provide some method by which no person favoring the inhibited practice shall sit upon grand or petty juries or be elected to the bench or be elected to the office of prosecuting attorney. You can not do that. It comes back to the original proposition: Are these people fit to be admitted into the Union as a State? If so, why insert anything which on its face brands them as unfit and yet which will be futile so far as accomplishing any good is concerned?

I stand to-day just as I stood in the House of Representatives when I said, in substance: "The provision you offer here, in my opinion, is useless. I will not concede it is necessary, because to do so would be to concede Utah to be unfit to be admitted into the Union. I prefer to have the State come in with a clean bill, just as every other State has. I am advocating the admission of Utah upon the theory that if you emancipate these people from outside interference, the spirit of American institutions will be evolved in their midst and will assert itself and overthrow everything antagonistic to the spirit of our institutions. And if that is not true, we are unfit to be admitted into the Union." I say the same with respect to New Mexico and Arizona.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nevada?

Mr. DEPEW. Certainly.

Mr. STEWART. Mr. President, I think this discussion is unfortunate. Much is said about the Declaration of Independence. It has been regarded as a great step in human progress. I think that other declaration, in the Constitution of the United States,

which guarantees to every citizen of the United States the right to worship God according to the dictates of his own conscience, is, if possible, more important than any declaration which preceded it.

The circumstances which brought about that declaration were peculiar. The different colonies which settled along the Atlantic border were composed, as a rule, of devoted followers of a particular creed or church. They differed from each other. It prevented for a long time their social intercourse. Even criminal proceedings were instituted by one colony against the inhabitants of another. This went on for generations, until finally the oppressions of Great Britain were such that the colonies were compelled to unite in self-defense. Their union was mostly commercial. Nothing was said about religion. But they united for commercial purposes, and they fought a great war, and when the war was over it was perfectly obvious to everyone that the union must continue or the results of the war would fail.

When they came together, they found it necessary to compromise, and each colony refrained from putting its creed into the Constitution. They had to give that up. And from that resulted that noble principle which had affected mankind everywhere, that every individual in a free government is entitled to worship God according to the dictates of his own conscience. I believe that principle, as enunciated in our Constitution, has had more to do with the advance of civilization than any other declaration that ever emanated from any other body of men under any circumstances.

Now, we have had all during my recollection men of different denominations demanding everything for themselves. They want to rule the whole earth. But here everybody is free to exercise his own judgment, and they find it impossible. The discussion that has grown up under this freedom has brought forth intelligence and enlightenment such as the world has never known, and not only in our country, but it has spread throughout the world.

Here is the Mormon Church. Its founders constituted a devoted band. I have been familiar with them for more than fifty years. I have visited repeatedly in their homes. I have traveled through their territory. Whatever may be said of them, they live more closely to their own creed and their own ideas of morality and maintain them with more rigidity than almost any other people I ever saw. As they understand morality, they have always been moral.

But polygamy is in conflict with the moral sentiment of the people of the United States. It is in conflict with the whole system of Christian religion. It is Asiatic in fact, and the American people rose against it, and for a time the Mormons struggled for it. Finally, as they came in contact with the outside world and the principles of religion were discussed freely between them and their adversaries, this idea of the freedom of discussson and the freedom of religion penetrated the Mormon church and revolutionized it, so far as polygamy was concerned; at all events, its practice. The mormons of Utah agreed to give up polygamy and come in and adopt the institutions of the country as others had done.

Utah was admitted into the Union some years ago. No attempt has been made to pass a law to reestablish polygamy. A man who would propose that in the legislature of Utah would be laughed at as a fool or would be taken to an insane asylum. Polygamy is a thing of the past. Public sentiment, under the principle of free discussion, has condemned that part of the creed of the Mormon Church.

But that is not all of their religion. They have their own religious sentiments. They have their own creed, which they observe and believe in as fervently as do the adherents of any other church. They attend divine services regularly. They have their Sunday schools. They have their means of disseminating religious information, and they have dropped the one thing that the American people condemned as immoral.

The moral sense of the Mormon people has been convinced, and they are not practicing polygamy. If it is practiced at all, it is done in secret, as other crimes are committed in secret. No man in that country proclaims it. If he does he is condemned. A Mormon came to represent Utah in the other House of Congress, and the sentiment of the American people was such that he was not allowed to take his seat. There is no foundation for the belief that they should go back now. As the young men and young women are growing up and marrying, no plural marriages are being had and public sentiment against polygamy is being formed there as impregnably as it is in Massachusetts. It needs no further action. It is a thing of the past.

I regret that such a question should be discussed here; that religion should be brought into this discussion. It has nothing to do with polygamy. I regret that sectarianism has been dragged into the question of admitting a State into the Union. It seems to me it is wrong in this body. We ought to be above such considerations.

As for Arizona and New Mexico, there are a few Mormons there. Someone has said that the Mormons constitute as large a proportion as one-sixth of the population in Arizona. They are not practising polygamy there. Polygamous marriages are illegal in that Territory. They are criminal in those Territories, made so by the action of the legislatures, and nobody proposes otherwise and nobody ever will propose otherwise.

It is unfair to make an attack upon Mormonism now, when the feature of Mormonism which we had a right to condemn has been eliminated. We have no right, in our capacity as legislators, to condemn any other feature of the Mormon religion, or any feature of any other religion, which is moral and teaches good moral principles. We may differ with their creed, but we are bound under the Constitution to recognize their right to that creed, no matter how absurd we may regard it. It is nothing to be considered here. The Constitution has placed that elsewhere. It has given them the privilege in express terms, and we can not take it from them, if we would.

The idea of saying that a people having in their midst one-tenth or one-twelfth Mormons, who are not practicing polygamy, will be corrupted and that polygamy will be introduced, when in Utah itself there is no possibility that polygamy can ever again be introduced by law, when the sentiment against it is growing stronger and stronger, and the whole American people have come to the conclusion that it can never be, and we know it can never be! Why keep people out of the Union on the theory that it is possible for a few Mormons in Arizona to take charge of it, run the State, and, running it, run the Union, and, running the Union, run the world? What nonsense it is to be indulging in such talk as that!

I have no objection to speeches against admitting these Territories. I know there is a very strong sentiment here against it. I have sat here day after day and heard arguments to show that these Territories are worthless; that the land is worthless; that they have no resources. That is the old thing. If you will go back in history you will find that the same was said of everything west of the Mississippi. The most eminent men of this country denounced Oregon as worthless. They denounced California as worthless. They denounced New Mexico as worthless. They denounced Texas as worthless. In fact, everything in the West in its time has been regarded as worthless. But there is no part of the United States with a hundred thousand square miles that is not capable of supporting a great State which shall strengthen the Union and be the pride of the nation. Do not think it is worthless.

Since I have been in the Senate I have heard eminent men before committees state that it would be a good thing to give all of this territory back to Mexico; that it was good for nothing. That included even Nebraska, the Dakotas, and Oklahoma, and all the territory clear to the Pacific. Now we see Colorado, we see Nebraska, we see these great States there adding to our wealth and power. Fourth of July orators, even in Massachusetts or anywhere else where you may find them, point with pride to the great progress that this country has made by bringing in new States. They point to the power which the new States have added to the country. If you do that before a Fourth of July audience, why not do it as American statesmen? Why should we not be proud of the growth of the country?

Senators talk of Nevada. Nevada needs no defense. Nevada has added more to the commerce of the country than any of the Western States, except perhaps California. Colorado perhaps comes next. Nevada has produced about eight hundred millions of gold and silver. She has taken from the Government nothing. She has been no expense and no drawback. She has paid her own expenses. But her progress has been slow. The reasons for it are obvious. Agriculture could be conducted only by irrigation, and the various beautiful valleys over the State were a long distance from transportation. The main industry—mining—was cut down by the demonetization of silver. It took time to build up Nevada. Thank God, it is being built up rapidly now. Every valley is being invaded by hardy settlers. New mines are being opened everywhere, and there is more agricultural land in Nevada which will be developed and make homes for men than there is in very many States of this Union. I can name several States combined which would not begin to have as much.

Now, of course, you must wait a little for it. Nevada did not ask to be admitted into the Union. You can not blame her people. It is not fair to talk about her in that way. A year before her admission the legislature authorized a vote to be taken on the question whether we would come into the Union as a State. It was voted down almost unanimously.

Nevada would have stayed out until now if it had not been brought in by the invitation of this Government. When an enabling act was passed here it did not meet with any favor in

Nevada. I was there at the time. It did not meet with favor until the word came that they wanted Nevada as a State for legislative purposes, that they wanted it for the purpose of reconstruction, that they wanted it as a patriotic contribution to the Union. Then it went unanimously, and Nevada came in. And coming in, it has paid its own expenses and been, I hope, no discredit to the Government. Now it is on the road to development, and the days are not far distant when it will be one of the bright stars in the galaxy of States.

I can show you any amount of literature presented to show that Oregon was worthless, that California was worthless, and that all the territory in the Great American Desert was worthless. Yet here you have Montana and the Dakotas; you have Colorado, Wyoming, and Utah, as great and rich States.

Now, there is another thing about the people of Utah. I do not want to sit down until I have borne my testimony to the great good that they have done to this country. Those people went to Utah on account of their religion. They went to a country where irrigation was not known. The Anglo-Saxon had never prosecuted agriculture by irrigation. It never had been done. We came from a country where we relied only on rainfall. The Mormons went to that great desert region and they suffered hardships which can scarcely be described until they worked out the experiment of raising crops by means of irrigation.

I was at an irrigation convention at Salt Lake City some ten or twelve years ago, and President Woodruff and Mr. Cannon stood in the rear of the audience, and without consulting the audience I announced that it was the unanimous desire that they should be heard. I did not put it to a vote because everybody was against Mormonism. It was a Gentile convention, composed of a thousand or fifteen hundred people. I brought those gentlemen right forward, and the story those two old men told of the inauguration of irrigation and the hardships they endured brought tears to the eyes of more than half the audience, and when they were through it was necessary to adjourn, and the audience asked to shake hands with them. The old gentlemen told me that was the entering wedge which brought communication between them and the Gentiles.

This friendship and communication has banished polygamy. Those people by their industry and economy have built a great State in what was denounced as a desert. It has enabled those people to enjoy the blessings of free government and enabled the people of the United States to enjoy the fruits of a great industrial people in the heart of the desert. That has shown to the world what can be done.

Out of it have grown other States, and it has demonstrated to the country that what was thought to be worthless, what was marked on the map as the Great American Desert, is the great American garden, the great garden of the world, in mines and in agriculture and in everything that contributes to the wealth and growth and development of man.

Now, why speak of those people as if they had committed some crime? If they had not given up polygamy, it would be different. But in this question of States, why bring them in collaterally and discuss their conduct? Outside of polygamy, they compare favorably with the conduct of the Puritans or any other people who ever landed upon these shores. If you go and see their homes, see their thrift, see their industry, see their domestic happiness, you will not have it in your heart to raise your hand or your voice against them.

The continuance of polygamy was impossible, and I am thankful that it was destroyed. It can not be revived. It is dead and buried. It never can be resurrected in this country. Any attempt of any foolhardy man to advocate it will be as futile as it would be to the descendants of the Puritans to advocate trial for witchcraft. It would be just as foolish, for polygamy is as dead as witchcraft.

But it has not killed the energies of the Mormon people any more than witchcraft killed the energies of New England and prevented its growth. The industrious people who came there built up New England, and they have gone on, and they are now among the most enlightened people on earth. So it is coming to pass in Utah. They educate their young men and their young women, and when they come here they are able to cope with the brightest young men and women in all the United States. Do not speak ill of them. They do not deserve it. It will not do any good to denounce them in this debate. It will not do any good to exclude Arizona on that account.

If you do not want to admit Arizona, vote against the admission of Arizona. Do not pretend that Arizona is a worthless desert, for it is not true. Do not pretend that Arizona has institutions inimical to the United States, because it is not true. Stick to the truth. Arizona has the resources to make a great State. The waters of the Gila and its branches are sufficient to irrigate the land and produce more than all New England. It has been a magnificent country and it has been once occupied. It is covered with ruins.

Somebody once irrigated a large portion of it. It is ready for occupancy again. We have a report to the effect that the Colorado River can be made to irrigate a large portion of it. Do you not believe that those things will be done, considering the fine climate Arizona enjoys, and when fruits can be produced at least two weeks and perhaps thirty days earlier than in California, and of a better quality? Do you think that such resources will remain untouched for a long time with the population pressing on? Of course not.

When you come to New Mexico, you have no conception of what may be done in that vast country when the waters are conserved, as they will be. If this rule had been applied to the other States in the beginning, if you had harked about their religion, if you had harked about their resources, you might have kept them all out and remained a little bunch of States on the Atlantic coast.

New York ought not to lift her voice against it. New York has been foremost in promoting the progress of the West. New York ought not to be now discussing the dead carcass of polygamy on a question of this kind or quoting from some imaginary or extravagant missionary some ideas of governing the world which are impossible and irrational. There are plenty of irrational people all over the country, but the great body of the American people are sane and sound and patriotic, and it is they who make this country great.

I hope this debate will take a higher plane and regard the rights of man more thoroughly than it has done. I tell you that living in a Territorial government is not a desirable thing. The right of self-government is dear to the American people. Do you say that you can appoint better judges and better governors and better officers than they can select? When and where did you find that you could do that? Did you do it in the Dakotas? Have they not better courts and better officers now than they had in Territorial times? Did you do it in Montana? Do they not have a better observance and enforcement of law and a more contented people than they had in Territorial times previous to their admission? Did you do it in Washington, or Oregon, or Idaho, or Nevada? Did you do it in any one place? Has not every new State which has been admitted proved the advantage to the people and the country of extending to them the right of self-government?

In Utah you had your prosecuting attorneys and you were greatly troubled about polygamy. You have admitted Utah as a State, and the trouble is over. So it will be when you give the American people the right of self-government under the Declaration of Independence and under that higher declaration which allows every man to worship God according to the dictates of his own conscience. It has inspired a sentiment in this country that will prevent any injurious element from entering into the government of the people. Crime will be reprobated and driven to hide its head and truth, justice, and progress will prevail. The time is not far distant when these Territories that you so much condemn to-day will be proud States. You yourselves will live long enough to boast of them on the Fourth of July. There is no doubt about it, particularly the Senator from New York [Mr. DEPEW], as he is in the habit of making Fourth of July orations.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. DUBOIS. I will not interrupt the Senator unless he is entirely satisfied to have me do so.

Mr. DEPEW. Certainly.

Mr. DUBOIS. I will not take very much time.

Mr. DEPEW. I have become accustomed to it.

Mr. DUBOIS. I repeat my observation, with entire sincerity, that I will not interrupt the Senator unless it is agreeable to him.

Mr. DEPEW. It is entirely agreeable. The Senator comes from a college that makes it agreeable.

Mr. DUBOIS. Thank you.

I doubt very much whether gentlemen on the other side who are proposing some special legislation in regard to polygamy are serious. I do not think they are. I think they are simply trying to put some amendments on this bill which may defeat it.

Now, I will make this proposition to them: If you will allow this bill to be put on the post-office appropriation bill, I will accept the Idaho constitution relating to elections as an amendment, and allow you to prescribe that Arizona and New Mexico shall put into their constitutions the test oath of Idaho before they are admitted to statehood. In doing this I will not run counter to the good judgment or the wishes of the people of Idaho, one-fourth of whom are Mormons.

In order that you may know what it is, I will read that portion of the Idaho constitution which is called the Idaho test oath. It has been passed upon by the Supreme Court of the United States and found to be a valid law by a unanimous decision of that court. It is now a part of the constitution of the State of

Idaho. They have the ordinary clauses in regard to the restriction of the franchise, but they say in addition:

SEC. 3. No person is permitted to vote, serve as a juror, or to hold any civil office who is under guardianship, idiotic, or insane; or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship; or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime; or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State.

Not content with that very sweeping prescription, we passed this section as section 4, fearing that we had left out something. I was in the midst of that fight. This constitution was passed without a dissenting voice in our constitutional convention. We had this question at home with us in those days. After putting in all those prescriptions, thinking perhaps we might have overlooked something, we also added this clause:

SEC. 4. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

We can add to that if we want to do so, and pass a law forbidding the Mormon leaders from actively taking part in politics.

Now, if the Senators on the other side will allow this bill to be put on the post-office appropriation bill, I will consent and advocate that it shall be required that Arizona and New Mexico shall put that clause in their constitutions before they are admitted, and under that clause we disfranchised every member of the Mormon Church. They did not vote for years in Idaho under that constitution, and at any time that we want to we can disqualify them now. All we have to do is to say that no Mormon shall vote in Idaho; and the Supreme Court of the United States has declared that to be good law. We have a right to do it.

I say there is no polygamy, and no one contended more vigorously against this tenet and practice of the Mormon Church than myself. It was a fierce fight for years, and in my feeble way I did all I could to suppress it, and this helped us to do it.

It is folly and a waste of time for Senators to undertake to demonstrate here now that polygamy is a live issue. It is dead, as the Senator from Utah [Mr. RAWLINS] so well said, and he has spent his life among these people, fighting them hand to hand. If any have suffered on account of their activity in politics the Senator from Utah is one of them; but, as he says, polygamy is not a living issue. It is dead because of the public sentiment in that country, which has destroyed it.

Now, these Mormon people believe what no other people do, and they are as sincere in that as they are in their other beliefs. They believe that the Constitution of the United States is a divine instrument. They honestly and thoroughly believe that it comes direct from God. In the early days they believed that under the Constitution the United States could not interfere with polygamy, holding to the idea that polygamy was a part of their religion. They contended that the Constitution, being a divine instrument, and polygamy being a part of their religion, it could not be interfered with under our Constitution.

I may say that they fought against antipolygamy laws in all the courts, but when the Supreme Court of the United States declared than an antipolygamy law was constitutional, then came their manifesto abandoning polygamy.

As one of the representatives of a State where the Mormons are one-fourth of the people, I join with the Senator from Utah, who is in part a representative of a State where three-fourths are Mormons, in saying that there is no polygamy, that is new polygamy, in those parts of the country. I doubt if the gentlemen on the other side are sincere in quibbling over this proposition. If they are sincere let them put the Idaho test oath, or provide for its being put into the constitution of these new States. The test oath is a dead letter in Idaho now, and the recent comers do not know it is in our State constitution. No one wants to take it out, but there is no occasion for its enforcement. Should the occasion arise its power would be invoked.

Mr. BEVERIDGE. Will the Senator from New York permit me?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. Concerning the proposition of the Senator from Idaho, it is perhaps proper that I should speak.

I have never questioned the sincerity of a Senator upon this floor, and I never expect to do so. If the Senator is anxious to have this antipolygamy clause put on this bill or any bill that may be passed, why does he ask a condition? Why does he say, "I am willing to purchase the attachment of the statehood bill to an appropriation bill by conceding an antipolygamy amendment?"

Mr. DUBOIS. Does the Senator want me to answer him?

Mr. BEVERIDGE. Yes.

Mr. DUBOIS. For the reason that it is perfectly apparent to everyone that, so far as the Senator from Indiana is concerned, we will never have a vote on the statehood proposition; and I simply took this method of informing him that, in my judgment, we will have a vote on it upon an appropriation bill, and I anticipate it in advance and say that I am ready for this amendment. I am not anxious for the amendment and do not want it, because it is not necessary. Polygamy is dead and can not be made more dead.

Mr. BEVERIDGE. If that is so, Mr. President, there was no use of the Senator putting forth his proposition to barter. He said some two or three weeks ago with great earnestness that a vote was to be had, and so forth; and we had a debate that afternoon, which it is not necessary here to repeat. But if the Senator again repeats that he is going to have a vote in the extraordinary way now proposed, why should he put forth his proposition to barter upon this question?

The Senator made a clear and powerful speech the other day to the effect that some legislation as an antipolygamy amendment to this or any bill was not necessary because polygamy was no longer practiced. The Senator from Utah [Mr. RAWLINS] said to-day, in his usually clear way of speaking, that there was not any use of adopting even what is in the omnibus bill on this subject.

Now, if this be so, and if the Senator is going to have an attachment of a statehood measure to an appropriation bill, why does he put forward this proposition to barter or to purchase that attachment by a thing which he says is not necessary because it no longer exists?

Now, then, I will put this question to the Senator or any person representing the bill. If we want an antipolygamy amendment as strong as can be drawn, as strong as perhaps the moral sentiment of the people of the United States thinks should be drawn, why quibble about it at all? Why not go on record right now as saying, "Yes, here and now, without ifs and ands, we accept anything you can draw." That is the question.

Mr. DEPEW. Mr. President, I listened with great interest to the speech of the Senator from Utah [Mr. RAWLINS] and also to the speech of the Senator from Nevada [Mr. STEWART]. I find that everyone who apologizes for the Mormon Church is in favor of this statehood bill. That is one of the curious developments of this discussion. I would not criticise Nevada, and I am sorry that her distinguished Senators have left the Chamber; but in the decadence of that State from a population of 62,000 down to 42,000 in 1900 I am glad, and I know the country will be, to be assured that now there are multitudes of farmers pouring into her valleys and that in a short time she will line up alongside of New York in population and production.

But, sir, the best contribution that Nevada has made to the wealth of the country has been the two Senators whom she has kept here for a quarter of a century.

When I heard my friend from Nevada speaking in that glowing and patriarchal way of the pleasures he enjoyed in Mormon families fifty years ago, and as he passed from the capital to Nevada, what comfort, what peace, what family relations, what observance of every family requirement by the father and mother and children he witnessed, and how pleased he was with it, I could not help recalling a lecture I once heard by Artemus Ward, that great humorist, nearly forty years ago, delivering his lecture then upon Utah, which was to us in the East an unknown country. This is what I remember of his visit to a Mormon family of whom he spoke in much the same glowing terms as did the Senator from Nevada. He said:

Having delivered a lecture in Salt Lake City, I received a note from a Mormon widow saying that she was greatly bereaved and wishing me to call upon her in the family circle. As I entered the parlor she held out to me her lily-white hand—seventeen of them. [Laughter.]

Now, this patriarchal relation is one which has been condemned as no other institution that has existed among any sect in the United States.

I thoroughly agree with all that has been said by the Senator from Nevada on the question of religious freedom and religious toleration. Every man and every woman in this country has a right to any creed which they choose to adopt and any creed which they choose to profess. They have a right to practice their religion anywhere and everywhere so long as that religion in its practice does not strike at the foundations of the family and at the morality of the State.

There can be a so-called religion, sir, which steps beyond the bounds of religious freedom and of religious toleration. There can be a so-called religion, sir, which can be made a cloak for immorality, which can be made a cloak for crime, which can

be made a cloak for the purpose of breaking up the family circle, which can be made a cloak for the degradation of womanhood and for the corruption of childhood.

Any law which permits, or any law which does not prohibit and punish penally, a religion of that kind is unworthy of a free country and of a free people. We stand, as the Senator from Nevada [Mr. STEWART] in one part of his speech has said, for absolute freedom of conscience and absolute toleration of religion; but it must be religion, and not immorality, not crime.

Mr. President, why this sensitiveness on the part of the advocates of this bill about immediately divorcing themselves from Mormonism? I take issue with my friend from Utah [Mr. RAWLINS] on his proposition that we solidify Mormons, that we prevent them from leaving their faith, that we estop them from surrendering their tenets; that, if they are bigoted, we make them more bigoted by discussing their religion or by assailing them upon this floor.

Nobody assails the Mormon as such. Nobody assails the Mormon religion as such. If the Mormons choose to believe the revelations made by Smith and by Brigham Young, that is their affair. If they choose to regard them as saints and their books as the real Bible, that is their affair. If they choose, within the law, to worship according to the tenets of those revelations, they stand on the plane which the Christian Scientists and others do, who believe differently from the tenets that are entertained by evangelical churches or by those who have no religion at all. It is not on their faith, it is not on the book of Mormon, it is not on their religious practices, it is not on their temples that we are discussing this proposition here to-day, but it is because they have never really and actually abandoned the tenets of polygamy, and there is a wide suspicion that they have not in secret abandoned its practice.

The Senator from Nevada recalled the fact that a member of the other House who had been elected from Utah was expelled from the last Congress. Sir, why was he expelled? Because he believed in the book of Mormon? No. Because he was a Mormon apostle? No. Because he had a creed which was assented to by no single member of the House of Representatives? No. He was expelled because—notwithstanding the professions of the Mormon hierarchy as to the abandonment of polygamy—he would not deny that he was a polygamist, and he defended on the floor polygamy as a sacred and divine institution. He stood there as the representative of the church before the whole nation in the most conspicuous attitude possible, in the presence of the representatives of the people and of the country, to defend not Mormonism, but the liberty to live in polygamous relations wherever men believed that that was the proper doctrine to practice.

It has been proved here that a company of Mormons have gone into Mexico and settled there in a place where the Mexican Government wants industry, which those people undoubtedly have, and the concentrated colonization for protection against savages and for the development of agricultural resources, which those people undoubtedly have, but they have gone there because in Mexico they can freely practice polygamy.

Mr. President, the discussion of this Mormon question is legitimate just here for the very reason that at this moment there is no question upon which the American people are more unanimous, no question upon which they are more exigent and more acute than the prohibition by every possible means of the practice of polygamy in any State in the country. They are seeking to secure the adoption of a constitutional amendment so that the Government can reach polygamy in the States. Then why the discussion here? Simply because the moment that this Territory comes into the Union as a State, that moment the Edmunds law no longer is effective, that moment the Federal court no longer has jurisdiction.

The moment it is a State that whole question is remitted to the State, and it is free to act as it pleases; and where there is a consolidated minority who, by casting their votes according to the tenets of their church and the order of their spiritual superiors, they will threaten either party with destruction that goes against their wishes. That is the danger that the Senators who favor this bill are inviting, and that is what we who oppose it are endeavoring to prevent.

I do not agree with the Senator from Utah that the true way to meet polygamy is to let the State in, then let the people fight it out, and let civilization and education work their way. If you let in a community where one-fourth or one-fifth or one-sixth or one-twelfth, if you please, are solidly Mormon, where there is no prohibition which is sufficient to meet the case in the organic law, where the Edmunds law can no longer prevail, and the Federal power is weakened, I believe that that minority appealing to the ambitions of party leaders on either side will prevent any legislation or any penal statute which will deprive them of the right of carrying out the patriarchial tenets of the creed which they believe.

Mr. President, leaving that branch of the subject, I now come to New Mexico and to Arizona in reference to their future. Certainly there has been no presentation made here by anybody as to the present condition of the Territory which lines up either one of these Territories as now possessing every qualification for statehood. The question now is as to the future. It has been urged by advocates—not on this floor, because there have been none here—by advocates in the press and by citizens of New Mexico and Arizona who have come here, that the real merit of Arizona and of New Mexico is in the future; that there is to flow into those Territories, as my eloquent friend from Nevada [Mr. STEWART] says, there is to flow into Nevada, large populations and manifold industries.

But we have, in regard to Arizona, this extraordinary position: She has only 122,000 people, of whom 27,000 are Indians. Of her 95,000 people, 20,000 are unmarried men. There is no such proportion of celibacy anywhere in the United States; and it is exceedingly refreshing, I will say to my friend from Utah, to proceed from the discussion of polygamy to the question of celibacy. Twenty thousand out of 95,000 inhabitants are single men. What does that mean? It means that Arizona is largely a mining camp; it means that a large proportion of its population are not genuine settlers; that they are not there to stay; that they are the active, adventurous young men proceeding from every neighborhood in the country seeking their fortunes in mines; that they are prospecting in the mountains, and they are abiding where they can discover a lode, which they may work or which they may take East and sell. They have no real interests in the Territory, and they are not and never will be part of its permanent population.

So the population of the Territory grows and diminishes according as they discover mines or as there is a rush when statements are made that, in this range of mountains or in that, tremendous opportunities for getting rich suddenly are in sight for those who have the courage to go to the wilderness to seek their fortunes.

But, sir, you can not build a State on a mining population and on a shifting crowd like this. The best evidence in the world that Arizona presents none of the features which will make her grow and all of the features which will align her alongside of Nevada for all time to come is that in forty years of settlement, in forty years of exploitation, and in forty years of Territorial condition there has been no population going there for the purpose of living upon agriculture and becoming permanent citizens.

In forty years Arizona, out of 73,000,000 acres, has only reduced to cultivation 254,520 acres. New Mexico, after sixty years of Territorial condition, has, out of 78,000,000 acres, only reduced to farming lands 326,873 acres, making the total in those two Territories of only 600,000 acres reduced to cultivation out of 150,000,000 acres, while in Oklahoma, which has only been ten years a Territory, 6,000,000 acres have been reduced to farms; and in the Indian Territory, where the difficulties are so great for the white settler, 400,000 Americans going in there have reduced 3,000,000 acres to farms. So you see in Oklahoma and you see in the Indian Territory all the elements that constitute a State—you see the soil, you see the opportunities, you see the invitation to the settler, and you see that he becomes a farmer and a citizen of the Territory.

Mr. President, on this subject I have here in the Cincinnati Enquirer of February 9 an interview with Judge D. A. Richardson, a prominent attorney and gold-mine president of Nogales, Ariz., and I ask the Secretary to read the interview.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

TALK OF THE TOWN.

Judge D. A. Richardson, a prominent attorney and gold-mine president, of Nogales, Ariz., is in the city, accompanied by Dr. A. L. Gustler, of Walnut Hills, this city, who went to Nogales a year ago to practice his profession. Mr. Richardson went to the Territory several years ago from Galveston, Tex. "None of the taxpayers or bona fide residents of Arizona—by bona fide I mean that class of men who are there to make it their permanent home, and not those ready to grab something and then hie away to better opportunities—desire statehood," remarked Mr. Richardson, "for out of the population of 140,000 the temporary residents constitute a large proportion, outside of Indians.

The white people do not exceed 75,000. Our tax rate is now $4.10 on the $100, and property is assessed at its full value. Our schools are maintained solely by license taxes collected from gamblers. These taxes are $30 a month on each gambling table. It is a simple proposition of gambling and schools or no gambling and no schools.

If we had statehood, there would be no license, because there is none in any other State, though gambling does prevail, with an occasional raid of the houses. If we were given statehood, it would run 50 per cent of the people out on account of the taxes alone.

At present there are no taxes on unpatented mines; consequently the poor miners are enabled to work small prospects and ship the highest grades of ore, but if we had statehood it would be necessary to tax everything in the country to its full limit, including the output of unpatented mines, and that would drive half the small miners out of the business. I was surprised to see that the question of polygamy has not been raised by Senator BEVERIDGE, for if Arizona is admitted by the omnibus bill as it is now worded no one

can say what would result as to what polygamy might be. There are three large counties where the Mormons have majorities. The Government now pays large sums for the support of the Territorial government which could not be forthcoming if we had statehood.

I can not see any advantage to be derived from statehood, and only a few politicians who are after office want it. I do not believe the Republican party will weaken its policies, indorsed by two national elections, by admitting two Democratic Territories, for the Democrats are undoubtedly in the large majority in the Territory. As to irrigation, if the Government were to spend $100,000,000 on reservoirs there would not be enough water to furnish one-fifth of the Territory where the sands are 14 feet deep. Arizona is essentially a barren waste of mining camps, but after you have lived there for a time you would not give it up for any price, on account of its glorious climate and consequent healthful exhilaration.

Mr. DEPEW. In the same connection, Mr. President, and in another Cincinnati paper I find an interview with Dr. A. L. Gustetter, former City Hospital interne, who, this paper states, is at the Gibson House with D. A. Richardson, president of the Oneida Consolidated Gold and Copper Company, of Nogales, Ariz., of which Gustetter is secretary and part owner. Dr. Gustetter says they are elated over the wealth of the Territory's mining interests, but say that the lack of rain prevents agriculture and cattle raising. Of the 140,000 "inhabitants," Gustetter declares only 25,000 are "citizens," the rest being bent on making money and getting out to their homes in the "States."

Dr. Gustetter is practicing medicine in Nogales, but says that the climate is conducive to good health, so there is more money in mining. A small capital invested there, he says, and backed up by the same amount of business energy as in the States is bound to bring success.

The rainfall in these Territories, according to the Hydrographic Survey and the Geological Survey of the United States, is 1 inch per month, and two-thirds of that during the summer is absorbed by the sand as fast as it falls, while in New York it is 43 inches, in Massachusetts 43, in Georgia 44, and more in the agricultural States of the West.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. Will the Senator permit me to call his attention to the fact that the governor of New Mexico in his last report, and I think in every report for perhaps the last three or four years, has called attention very particularly to the fact that the Senator from New York has casually called attention to, that the rainfall in New Mexico—and of course the same is true in Arizona—within a very short time after it has fallen disappears, and the ground is as dry as it was before. It disappears by absorption.

Very frequently these rains fall in very heavy showers, sometimes called torrential showers, and when they do so fall, the water runs immediately off into arroyos or gullies and sinks into the ground or is absorbed into the atmosphere, so that the soil within two hours, I think the governor of New Mexico states in his report, is quite as dry as before the downpour. I have called attention to that because the governor of New Mexico himself calls attention to that fact in a very interesting page in his report upon the subject of the aridity of New Mexico and its causes and results.

Mr. DEPEW. Mr. President, another evidence that there is no future, so far as population is concerned, for these two Territories is that New Mexico and Arizona in forty years have gained only 1.1 to the square mile in population, while Oklahoma in ten years has gained 14 to the square mile in population. In the one case you have stagnation and retrogression; in the other you have the elements that constitute a State.

But in considering what constitutes a State, when a Territory is to be admitted, we must have regard to the character of the population; we must have a regard for their literacy or illiteracy; to the educational systems which they have adopted, and to their conforming to those conditions which not only show American citizenship, but which permit American citizenship to be made in the coming generations.

On the question of illiteracy we have in the United States the lowest percentage of any country in the world. Owing to our magnificent common-school system in those States where there are the population and the wealth which permit the expense of the education of the people, there are in the schools of the country to-day 16,000,000 American boys and girls. The result of a school system so beneficent and so wise is that the average of illiteracy in the United States is only about 6 per cent; and you must remember that in getting at that 6 per cent the general average is increased by the illiteracy among the negroes in the South, by the illiteracy among the Indians, and by the illiteracy among the Mexicans in New Mexico. While the illiteracy of the whole country under those handicaps is only 6 per cent, while the illiteracy of Oklahoma, only ten years a Territory, is only 6 per cent, the illiteracy of Arizona is 27 and the illiteracy of New Mexico is 32 per cent.

In considering the attributes of statehood, I ask what would be the result in any one of our great States which constitute this Republic if, over the age of 10 years, 1 of every 3 of the inhabitants could neither read nor write? I ask if before admitting Territories as States where 1 of every 3 of the inhabitants can neither read nor write, if we ought not to apply to them the old Scriptural injunction, "Tarry at Jericho until your beards be grown?" I know of no handicap to good citizenship like ignorance—like illiteracy—in its worst form.

It has been urged here as an excuse for the illiteracy of these Territories, and as an argument that their citizens will be worthy of the citizenship of the United States, that every year we admit through our various ports from the different countries of Europe immigrants among whom the average of illiteracy is 33 per cent. I regret, as everybody else does, that the immigration of the country in the last ten years has fallen off from the high average of material for making good citizenship which prevailed during all the preceding part of our history. I have advocated and sustained here with all my might a bill which would restrict immigration into this country to those who are worthy of our citizenship by character, by equipment, and by education.

But because we have made a mistake heretofore by leaving the bars down for ignorance to come in, anarchy to come in, nonsupport to come in, pauperism and crime to come in, is no excuse to hold that up as a rule for our guidance for the future even on immigration. This Congress ought not adjourn until it has placed upon the statute books a law which will protect our citizenship against this degenerate or unworthy immigration into our country.

But, sir, there is a great difference even between these immigrants and the Mexican population of New Mexico. These immigrants, 500,000 of them, if you please, scattered about in the States among 75,000,000 people, are lost in the general average, and by contact, environment, and association are rapidly lifted up until by the time they get out their papers and are entitled to vote most of them are able to read, and they become good citizens. Then there is another difference between them and the Mexican population in New Mexico. In the second generation the racial differences disappear. In the second generation the boys and girls have gone to the common schools. They have an American education. They have become imbued with American ideas and American principles, and in the second generation they are just as good citizens as those whose ancestry has been for hundreds of years or more on this soil. But see the difference in New Mexico. We acquired New Mexico practically in 1846. To-day, according to the governor of New Mexico, there are 45,000 more Mexicans in New Mexico than there are Americans. Of the 195,000 inhabitants of New Mexico only 75,000 are Americans.

Mr. BEVERIDGE. Where does the Senator get those figures? I think that proportion of what are known as Americans, as shown by the analysis of the census returns, is extremely high.

Mr. DEPEW. I think it is. I think it is 10,000 too high.

Mr. BEVERIDGE. If the Senator will have a careful analysis made of the census figures, I think he will find that the proportion of those known down there as Mexicans and the proportion of those known down there as Americans are considerably different from the figures he has given; that is to say, a larger percentage are what are known as Mexicans than the Senator gets from the figures there. That is the reason why I asked the question where he got those figures.

Mr. DEPEW. I got them from the speech of one of the Senators in behalf of the statehood bill——

Mr. BEVERIDGE. Mr. President, I think that is hardly entirely reliable when subjected to careful and scientific test.

Mr. DEPEW. In which he admitted, as I thought, all that was necessary for the purpose of this argument.

Mr. BEVERIDGE. If the Senator says that is the statehood advocates' admission, that is all right. However, I hardly think the proportions he gives are accurate, according to the analysis of the census figures; certainly not according to the observations of the subcommittee. I think the Senator from Vermont [Mr. DILLINGHAM] will bear me out.

Mr. DEPEW. My impression is that the real figures would be a hundred and ninety-five thousand total population——

Mr. BEVERIDGE. Yes.

Mr. DEPEW. A hundred and twenty thousand Mexicans——

Mr. BEVERIDGE. More than that.

Mr. DEPEW. Twenty-seven thousand Indians and the rest Americans.

For sixty years, or two full generations, or if you count those who were past mature age when we acquired the Territory, three full generations, this enormous majority of the inhabitants of New Mexico have remained Mexicans. They have remained Mexicans in language, Mexicans in tradition, Mexicans in habits and associations, and Mexicans in their methods of life. They have resisted, until ten years ago, the introduction of any school system, and most of them are unable to read either the English

or the Spanish language. Those of them who can read at all can read only the Spanish language and understand only the Spanish tongue.

Now, see the difference between them and your illiterate immigrants. Here is your Mexican father of 1846, a Mexican, speaking the Spanish language. He becomes a citizen of the United States and his son he brings up a Mexican, speaking the Spanish language. His grandson is brought up a Mexican, speaking the Spanish language, and his great grandson is brought up a Mexican, speaking the Spanish language. There is no testimony that there is any change as yet in this racial and lingual isolation from the other people of that Territory and the people of the United States.

These conditions produce results, so far as justice is concerned, which are a revelation and a reversal of all our ideas of courts and of juries and of the administration of justice. The interpreter is as much an officer of their courts as is the sheriff or the clerk. Even in the sacred precincts of the jury room the interpreter must go for the purpose of interpreting the testimony as he heard it and the argument of counsel on either side as he understood it to the Mexicans on the jury who did not understand it. This occurs both in civil and in criminal actions.

Not only that, but in political conventions there must always be an interpreter to interpret to the Spanish delegates the nominating speeches and the resolutions that are adopted. The interpreter is as much an officer of their legislature as are the clerks of their upper and their lower houses.

There has been testimony here, gathered by the committee, to the effect that when it comes to election, the vast majority of the Mexican voters can not read the ballot; that it has to be explained to them. They do not vote by names; they do not vote by party affiliations, because, being Spaniards, practically, they can not understand it, but they vote by emblems. The leader of the county goes among his constituents and says to them, "You must vote for the rooster," or "You must vote for the coyote," and, understanding that, when the electorate come to the polls, they vote as the party leader has said—for the rooster or for the coyote.

Mr. President, if this Territory comes in as a State under these conditions what will be the result? The white population is scattered in the towns. The agriculture is almost wholly in the hands of the Mexicans. Therefore in that apportionment which must necessarily come, according to territorial lines, the Mexicans will control the country districts all over the State. Their votes are cast by the party leaders for the man who has their confidence.

Generations of them in slavery for over two hundred years, down to 1865, has left a hereditary desire to be led. So one ambitious and one strong man in whom they have confidence casts the vote of the county, casts the vote of the town, casts the vote of the legislative district. Necessarily in the legislature, which will elect two United States Senators to this body, there will be a majority of Mexicans, and of Mexicans coming from the conditions which the testimony reveals.

In the antagonism that will then come up, which has been going on for a thousand years between the Latin and the Anglo-Saxon, does anybody believe that these Mexicans, controlling a majority of the legislative districts and a majority of the legislature, will surrender to the Anglo-Saxon the prize of the United States Senatorships? They may on the first election, for the first terms, divide between a Mexican and an American; but if I know anything of Latin characteristics and Latin ambitions, if I know anything of the Latin hanging together and acting in common and in concert, the whole future for a generation will be that in this Chamber will sit two Mexicans from New Mexico representing as Senators that State.

I myself have been almost thrilled at the pictures, presented in lurid language by my Democratic brethren, of the horrible condition which would prevail if there came into this Chamber Spaniards from Cuba, Porto Ricans from Porto Rico, citizens from Hawaii and Guam and Tutuila, and also representatives from the Malay Archipelago—the Philippines. And yet they are endeavoring to create a condition for party purposes to let in two Mexicans into this body for all time to come.

The history of New Mexico is one of the romances of American settlement. Twenty years before the Pilgrims landed on Plymouth Rock, and in the cabin of the *Mayflower* adopted that constitution which was an epoch in the history of the world, for the first time declaring that they were to form a government founded upon just and equal laws, there were a government and Spanish population in New Mexico.

There were a government and Spanish population in New Mexico before Pocahontas saved Capt. John Smith, or before immigrants were to be found in Charleston or anywhere along our Atlantic coast, and even before the Spaniards were in Florida there were a settlement and a government and a governor in New Mexico. So here we have a Territory which has been settled by Europeans and has had some form of government for over three hundred years.

How does that three hundred years, commencing twenty years before Plymouth Rock with its 41 inhabitants, compare with Plymouth Rock? Seven hundred people settled in New Mexico twenty years before 41 landed upon Plymouth Rock. From those 41 on Plymouth Rock have come, by the common consent of mankind, the institutions of the United States; the liberties not only of the American people, but of mankind all over the world; the commonwealths which largely go to make up the American Union; and the principles which enacted into laws and permeating the population and taught in the schoolhouses, the academies, and the colleges, made the American nation and its people what they are to-day—principles which by virtue of their all-pervading and uplifting power have gone through every nation and have changed the form of government in every civilized nation in the world.

Now, compare what has come from those 41 Pilgrims to what has come from these 700 Spaniards. They have remained during the whole of these three hundred years practically what they were when they first entered New Mexico. Compare these 700 Spaniards and the growth during the three hundred years of the country in which they settled with the settlement of Illinois. Practically the settlement of Illinois began in 1800, and New Mexico had two hundred years the start. And yet Illinois to-day in population, in cities, in industries, in manufactures, in agriculture, in schools, in colleges, in universities, in railroads, in telegraphs, in telephones, in newspapers, in magazines, and in the literary productions of its people would, if it stood alone among the nations of the world, be recognized as a great commonwealth, with every requisite of power and of majesty, of happiness for its people and of example for the world. It almost appalls the imagination to think of these people, who are to govern the State, existing as they have right upon this continent, bordering upon us, and for sixty years a part of us, in such a condition as they are to-day.

The settlement of the northern and the southern colonies went on without their knowledge. The great debate of the right to tax without representation which preceded the Revolutionary war shook the world—was a subject of discussion in every cabinet in Europe—but it was unknown, unheard of, in this New Mexican colony. The war of the Revolution dragged its bloody lengths along for seven years. The Declaration of Independence emancipated the world, but the colony of New Mexico never heard of the Revolution, never heard of the Declaration. Ninety per cent of its people were slaves to their own people. The territory was divided into great haciendas with one supreme family master of life, of limb, and of liberty, and all the rest were its peons or slaves, attached to the soil.

After the Revolution and the Declaration of Independence came the French Revolution, that mighty upheaval which overturned thrones and emancipated the whole Continent of Europe. But New Mexico never heard of it. Napoleon, who, whatever may be the charges as to his motives or his crimes or whatever may be said as to his achievements, did more than any man in Europe for civilization—Napoleon's great victories, his wonderful conquests, his dramatic defeat, his exile on a barren rock, all passed by. New Mexico never heard of them. New Mexico knew nothing of them.

And New Mexico would be sleeping to-day in the sleep of ignorance, which is the sleep of mental death, except that the great emancipator, Abraham Lincoln, whose birthday was celebrated all over the country yesterday, by his proclamation struck the bonds from the limbs of every bondman, black or white or of whatever color, in this land. But the Mexican did not hear of it. The Mexican did not know it, and he would not have discovered it except that in 1865 a Colorado army swept through the country, driving back the Confederates who had almost captured it, and then the army said to the Mexicans, "You are free."

Now, my friends, I have been told that if I made a speech of this kind—in fact, I was told by a New Mexican politician—"If you make a speech of this kind, you will surely make New Mexico Democratic for all time to come. The orators will travel up and down New Mexico, and they will repeat this speech, and when they do we will be driven off the stump. We will have no opportunity to win. We will not be anywhere." But, my friends, the orator has to translate this speech into Spanish [laughter], and then he has to try to make somebody believe that I delivered it.

But when that interpreter interprets the Spanish there is only one question which will arise in the mind of that New Mexican audience. They were Democrats once. Their sole industry is wool and sheep. But along about 1894 and 1895 they found that the wool for which they had been getting 30 cents a pound was selling for 7, and the sheep for which they had been getting $5 a piece were selling for a dollar and a half. Then these Mexican farmers, who had been peons or slaves up to 1865, rushed to the county leader and said, "Who has done this? We are ruined.

We can not raise sheep for a dollar and a half and we starve on wool at less than 20 cents a pound."

That interpreter said (and if he did not say it there was a Republican there who understood Spanish who did say it), "There is a new party in power which has not had possession of this Government since you came into the Union, or since the civil war, and since you were free; that new party has been doing things to sheep and to wool by taking the tariff off; and if you do not understand what that means, it means that they have reduced the price in order that New Mexico shall clothe the people of this country with their wool and feed them with their sheep, to their own poverty and detriment."

Mr. McLAURIN of Mississippi. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Mississippi?

Mr. DEPEW. Certainly.

Mr. McLAURIN of Mississippi. Does the Senator know that in 1893 there had been no repeal of the tariff or any tariff taken off by the Democratic party?

Mr. DEPEW. On wool?

Mr. McLAURIN of Mississippi. On anything.

Mr. DEPEW. In 1894.

Mr. McLAURIN of Mississippi. It was not until 1894, and the 28th of August at that.

Mr. LODGE. The threat was enough.

Mr. DEPEW. I may have got my date a little wrong, but the effect on wool and on sheep nobody denies. Cattle came in from Mexico and nearly ruined the cattle-producing countries of the West. The New Mexican farmer will go home after that meeting, having been down to Santa Fe or to Albuquerque, and having sold his sheep for four or five dollars, and having sold his wool anywhere from 20 to 30 cents, and he will hand the money over to the good woman—for the Mexican knows nothing about banks, and buries his money until it is needed—and she will say, "Alfonzo," or whatever may be his Spanish name, "they are going to fool you about speeches made in the United States Senate in order to get you again to give away your sheep and give away your wool, but, Alfonzo, stand by your family and your home;" and the Mexican will.

Mr. TILLMAN. Mr. President——

Mr. GALLINGER. Mr. President, will the Senator yield to me?

Mr. DEPEW. Certainly.

Mr. GALLINGER. I am very glad to hear this exposition on the part of the distinguished Senator from New York. A dispatch was sent to the Boston Journal early in the recent campaign saying that I had broken with the Administration on this question and was going back on the Republican party for the reason that all these Territories, if admitted as States, would send Democratic Senators to this body. In an interview in a New Hampshire paper I controverted that statement as best I could, and I am delighted to be reinforced in my view by the Senator from New York in his argument that New Mexico will be a Republican State, notwithstanding his speech. I am very glad to know that fact.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. DEPEW. Certainly.

Mr. TILLMAN. I was just going to ask the Senator from New York, if his speech was a joke, why he did not put in it that the Democrats would carry that State. The Senator now acknowledges that it is going to be represented by two Mexicans who will have no more sense than to remain Republicans the balance of their lives.

Mr. DEPEW. If what has been said by our Democratic friends is correct as to the growth of this State, the Mexicans can not save it. They say that populations are going in there from Texas, from Arkansas, and from Missouri, under this irrigation which is to make New Mexico as solidly Democratic, despite these Mexicans, as Arkansas, or Missouri, or Texas themselves.

Here is a joint resolution passed by the present legislature of New Mexico:

Resolved, That there shall be printed in the Spanish language such bills, rules, reports, and documents, and all other matter as may be ordered by either house of the thirty-fifth legislative assembly.

We all know what are the habits of Latin peoples. We know that until they get mixed with Americans and adopt American habits and get American ideas those conditions never change.

In view of the fact that Latin people with Latin ideas will probably control in the future as it does now the legislation of New Mexico, here is a bill which has just been introduced.

House bill No. 42. Introduced by Hon. Antonio D. Vargas, January 29, 1903. Read first and second time by title, ordered translated and printed, and referred to committee on judiciary.

An act relative to the Sunday law.

Be it enacted by the legislative assembly of the Territory of New Mexico:

SECTION 1. That hereafter no saloon keeper, bartender, nor merchant of any kind or description shall be compelled to close his place of business on the first day of the week, called Sunday.

SEC. 2. That hereafter no fine shall be imposed upon any bartender, saloon keeper, or any merchant of any kind or description for selling liquors or any kind of goods or articles of any description on Sunday.

SEC. 3. That all laws and parts of laws in conflict with this act shall be repealed, and this act shall be in full force and take effect thirty days after the passage of the same.

Mr. TILLMAN. Is that a bill or a law?

Mr. DEPEW. It is a bill which has been introduced and moved upon its bounding passage through the legislature.

Mr. TILLMAN. Something like our trust legislation from the other end of the Capitol?

Mr. DEPEW. The difference is that the trust legislation from the other end of the Capitol, having passed the popular branch, is not likely to be amended in the upper House.

We now come naturally to the wonderful results that are to be derived from irrigation. The amount of misinformation and ignorance that there is on the subject of irrigation in the Senate would fill a volume; it would fill a library. I voted for the irrigation bill. When my friends from these alkali and cactus States and Territories appealed to me as to what would be done by storing water and letting the little rivulets flow, it occurred to me that $100,000,000, more or less, was nothing if that result would be attained. So I enthusiastically supported the bill for irrigation.

Now, my amazement is the testimony which has been delivered here on that behalf before this committee. Speaking of testimony, as my friend, the Senator from North Dakota [Mr. HANSBROUGH], is here, I want to say that in the discussion, when the able speech of the Senator from New Hampshire [Mr. BURNHAM] was being delivered, he showed that the testimony of one Martinez Amador, a Mexican, had been voluntarily given and that the testimony of Martinez Amador was to the effect, first, that the Mexican population did not know what statehood was, and, next, if they did know they would be against it. My friend, the Senator from North Dakota, sent up and had read by the Secretary a letter in which the value of the testimony of Martinez Amador was impeached. Attached to it there is no affidavit. In this letter the writer says:

Now, Martinez Amador is one of our old cranks here to whom no one pays any attention. I have heard him called the "Las Cruces anarchist" and also "the town fool."

Then, in the peculiar contradiction which characterizes everything that comes from the statehood side, the writer of this letter goes on to show that this crank, this anarchist, this town fool is the only rich man there is in the place, and that he made his own money. [Laughter.]

Now, coming——

Mr. TILLMAN. Before the Senator leaves that point, will he enlighten us as to whether he inherited his wealth.

Mr. DEPEW. He earned it himself. He started as a freighter. He is the only American Mexican there.

Mr. HANSBROUGH. The letter does not call attention to the fact that the objection of Mr. Amador to statehood was on account of the fact that he did not want his wealth taxed as it would be taxed under statehood.

Mr. DEPEW. Mr. President, I was only calling attention to the fact, no matter what may be the motive which this man had to oppose statehood, that in New Mexico a man who commences life as a freighter and then gets a farm, and then gets a ranch, and then gets so rich, as this letter says this man has, that he lives upon his income without labor, is in New Mexico regarded by advocates of statehood as a crank, an anarchist, a town fool.

Every American certainly wants this great desert to blossom as the rose. It is no pleasure for any Senator to stand here and describe the conditions which exist in this Territory. It is no pleasure for any Senator to produce the testimony which shows that the hopes which were held about irrigation will never be realized. Everybody here would be delighted beyond language if they could be. The Fourth of July oration which the Senator from Nevada has said I ought to make, I would make with all the power I possess if the expenditure of $100,000,000 or $500,000,000 would irrigate these arid plains and enable large populations to live there; would produce homes, villages, cities, industries, and add to the wealth and glory of our country. But I pause on the threshold of the introduction of a new State into the Union when the argument for that State is that its growth is to come from irrigation, when an examination shows that irrigation has about reached its limits.

New Mexico can be irrigated only by the Rio Grande and Pecos rivers. The testimony shows that these rivers have reached their full flood, and that the rivers in Arizona in many cases have fallen off.

There is the testimony taken at Phoenix, where the land irrigated is less to-day than it was forty years ago. There is the testimony that the Salt River of Arizona, upon which a large portion of that Territory depended for irrigation, has diminished in volume 70 per cent in the last five years. We also know that as population increases in Colorado and at the headwaters of the rivers upon which everything depends they are absorbing more and

more water every year, and that the Rio Grande, which two hundred years ago had water its whole length, now two-thirds of the year and for two-thirds of its distance is absolutely dry. There are Mexican traditions that two hundred years ago——

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. Certainly.

Mr. TELLER. I think the Senator is referring to what is known as the Rio Grande River in that country and not the Colorado.

Mr. DEPEW. Yes; the Rio Grande and the Pecos.

Mr. TELLER. We call the Colorado the river running into the Gulf of California. You are speaking of the one that runs down through New Mexico.

Mr. DEPEW. Yes; through New Mexico. That is the Rio Grande, is it not?

Now, there is the testimony which shows that something over two hundred years ago there was a population of 400,000 people in New Mexico. Why is it that those 400,000 people in two hundred years have gotten down to less than 200,000? It is because the streams dry up or are dried up by artificial processes.

After forty years of irrigation in Arizona, with all the capital that has gone out there from New York and through Eastern cities, with all the effort made to develop that agriculture by irrigation, and with the land free for anybody, of the 73,000,000 acres there are only 186,000, in round numbers, which are irrigated. One-fourth of 1 per cent of the whole area of that vast Territory, after forty years of exploitation, is all that they have irrigated.

When you come to New Mexico, out of 78,000,000 acres there are only 205,000 irrigated. In other words, there only one-fourth of 1 per cent has been irrigated.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. Certainly.

Mr. PATTERSON. I think it is due to the Senate that the facts as to the figures given by the Senator from New York should be made known.

Mr. DEPEW. I will state that I got the figures from the testimony taken by the committee.

Mr. PATTERSON. The only witness upon that subject was Mr. Newell, connected with the Department here at Washington. While he was giving his testimony, before he concluded, I requested the committee to permit the Delegate from the Territory of New Mexico to be present, that he——

Mr. BEVERIDGE. I hope the Senator will allow me. I think the Senator will thank me for interrupting him as to what may have occurred in the committee room. I think that perhaps we have had two or three discussions here about that. Of course I have no objection to the Senator going on, if, after I call his attention, he wishes to do so.

Mr. PATTERSON. Mr. President, when a Territory such as New Mexico and Arizona are having their natural resources discredited, when the property and the interests of every citizen of such a Territory are being depreciated and their status in the industrial and commercial world is being assailed, I think it is common justice that the character of the testimony that is the basis of an attack of that character should accompany the assault. It is for that reason that I say the entire testimony is the testimony of one man, and the committee who had this investigation in charge brought that testimony in at the very close of the examination and gave to the other side no opportunity to combat it or to rebut it——

Mr. NELSON. Mr. President——

Mr. PATTERSON. And refused the common courtesy of having the Delegate from that Territory appear in the committee room to cross-examine the witness who was produced. I think it is but common justice to these two Territories that are thus assaulted to let these facts go with their defamation.

Mr. NELSON. Mr. President, I am surprised at the remarks of the Senator from Colorado. The committee called Professor Newell to testify in respect to the matter after they met here, and we were required to make a report by a given day. The suggestion was made that the Delegate from that Territory be brought here to examine Professor Newell. Attention was called to the fact that we were obliged instantly to report the bill back, and there was not the time, and the Senator from Colorado knows that he acquiesced in that——

Mr. PATTERSON. Mr. President——

Mr. NELSON. And the rest of the committee know it.

Mr. PATTERSON. It simply establishes the proposition that that witness was the last witness who was called, and that the representatives of the Territories assailed have had no opportunity to meet what I do not hesitate to say is a slander on the Territories, and that I withdrew my objection only when the chairman of the committee and other members of the committee opposed to the admission of these Territories made it perfectly plain that they would not permit the delegates to be called for the purpose of protecting the Territories they represented.

Mr. QUAY. Mr. President, if the Senator from New York has concluded his remarks, and no other Senator is ready to take the floor, I should be glad to have a vote on this bill.

Mr. BEVERIDGE. The Senator from New York has not concluded his remarks. He yielded the floor, as the Senator knows, for a moment.

Mr. QUAY. I did not know it. I only knew the Senator from New York had disappeared from the floor.

Mr. BEVERIDGE. The Senator from New York has not disappeared from the floor.

Mr. QUAY. I did not see the Senator here.

Mr. DEPEW. I will say to my friend from Pennsylvania that I was simply gathering more ammunition. [Laughter.]

Mr. QUAY. Very well; I hope the Senator from New York will proceed; and I trust that his next fire will be more effective than the last. [Laughter.]

Mr. BEVERIDGE. Mr. President, I ask the Senator from New York to yield to me for a moment.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. Mr. President, the Senator from Colorado [Mr. PATTERSON] made a reflection upon a very credible witness before the Committee on Territories, which I am sure the Senator would not have made if he had given a close examination to the record and reflection to the real import of what was said.

As to Professor Newell being the last witness, that circumstance, of course, is not a matter of weight. There had to be a last witness as well as there had to be a first witness. So the very fact that he was the last witness adds no significance to anything the Senator might say, nor does it add to anything that Professor Newell testified to, nor does it detract from it. That circumstance alone, on which the changes were rung by the Senator from Colorado, is not therefore a matter of consequence.

Mr. President, the attack upon the testimony of this witness would no doubt not have been made if the testimony given had suited the views of those Senators who support the bill now before the Senate. That testimony was given by a scientific man, Mr. President; a man whose integrity has never been questioned; a man whose high and unusual competency is universally admitted—the hydrographer of the United States Geological Survey; the author of valuable and authoritative books upon irrigation and kindred subjects, perhaps the best informed man in this country upon these great natural questions and the modification of those conditions which irrigation will bring in the future. Professor Newell could not testify anything but as to the scientific facts.

Not only that, Mr. President, but it was not an ex parte examination. It was before a full committee; it was not even before a subcommittee. The Senator from Colorado, himself a lawyer whose skill we all admit, and especially with whose skill as a cross-examiner all lawyers in the country are familiar, was present, and did the chief part, almost the sole part, of the cross-examination of Professor Newell. I would invite the attention of every Senator upon this floor, no matter what side of this question he may have taken, to read that testimony and see whether or not in one single circumstance Professor Newell was shaken by the careful and skillful cross-examination of the Senator from Colorado.

Mr. President, I submit that when a man of science, having no interest one way or the other, testifies under oath to questions put to him directly as to what information he has upon the subject as to scientific conclusions, and even after he has been subjected to the cross-examination of an earnest, learned, and skillful lawyer, it is hardly fair or hardly according to the proportions of what should be debate in this Senate, for that testimony to be assailed simply because Delegates, who are not members of the Senate, were not permitted to come in and cross-examine him.

The Senator had abundant opportunity to consult with those Delegates, to lay the testimony of this witness before them, and he has had the opportunity since, and from the information thus acquired, just as he would do in the case of his clients in court, to examine the witness anew. That right was not denied him, Mr. President, and the Senator himself saw the justice of that, because he did not press his motion, but after some little discussion—which all appears, I see, in the record—participated in chiefly by the Senator from Colorado himself and the Senator from Minnesota [Mr. NELSON], the Senator from Colorado said, "I will not press the motion."

So the validity of this testimony can not be impeached because two Delegates were not present. Could they have done better cross-examination than the Senator from Colorado, if they had

been present? Are they better lawyers? Are they more familiar in general with the subject of irrigation?

Now, what particular point of this testimony was it, Mr. President, that brought out the remarks of my honorable friend, the Senator from Colorado? It was the testimony of Professor Newell as to the proportions of cultivated lands in New Mexico and Arizona. All the testimony in the world could not change the figures in the possession of Professor Newell. So upon that point, to which the Senator addresses his observation, it would have been perfectly useless for him or for anybody else to have cross-examined, because there were the figures.

As I said, Mr. President, if the Senator had not thought that Professor Newell was stating the truth, was stating scientific facts, he had an opportunity not only to consult the Delegates from the Territories, showing them what testimony had been given—and that is the only thing that a lawyer has when dealing with his client—but he had the opportunity to consult with other scientific men; he had the opportunity, if necessary, to consult with Professor Newell himself—there could have been no objection to that—and thus reinformed as to any inaccuracy that Professor Newell may have committed in his statement, the Senator could have returned anew to take up the cross-examination.

I say this much, Mr. President, to show that I think the Senator's statement is hardly justified, that the testimony of Professor Newell—which I repeat I wish every Senator might read; it is so impartial, and it is the statement of a matter of science—that it is hardly fair for the Senator to attempt to impeach or to impugn that testimony as to either its accuracy or its completeness.

Mr. PATTERSON. Mr. President, this line of attack upon New Mexico and Arizona is a grave wrong to every resident of those two Territories. It is an assault upon every dollar of capital that is invested in them. It is the most serious drawback that could be conceived of to the future advancement of the country involved. Usually, Mr. President, members of the Senate and others delight in picturing the glories, the grandeur, the greatness, and the prosperity of the country, but for some reason Senators who are opposed to the admission of these Territories as States, see nothing in them but evil, and have nothing but wrong in them to proclaim.

So far as this particular feature of this controversy is concerned, everything that each of the opponents of these two Territories proclaims proves the truth of what I have said. Professor Newell was the last witness called, and the Senator from Minnesota [Mr. NELSON] stated that the reason the Delegates from the Territories were not permitted to be present either to examine or to cross-examine him was that the report had to be made almost immediately, and the committee had not time to spare for such a purpose. Now, the Senator from Indiana turns around and suggests that I had ample opportunity to call other expert witnesses or to have conversed with Professor Newell or to have brought in testimony of whatever sort I could find for the purpose of overcoming, if that were possible, the statements that were made by Professor Newell.

The suggestions of the two Senators do not coincide. One could not grant any time, so he said, as to the committee, because the report had to be made immediately; and the other suggests that there was ample time and that I did not take the opportunity that was presented.

Mr. President, whatever sincerity there may be in the compliments the Senator from Indiana [Mr. BEVERIDGE] saw fit to pay me as a lawyer and cross-examiner, I might ask him this question: Of what avail is skill as a cross-examiner if the attorney has no knowledge of the case with which he is connected? What did I know about the details of New Mexico's topography or its climatic conditions, or the number or the nature or the character of its streams? Only that which any person could obtain by the study of geography or by general reading. That does not qualify either a Senator or an attorney to properly cross-examine a witness whose testimony is scientific, as the Senator from Indiana suggests, and whose testimony is entitled to particular regard because it is the evidence of a scientist.

I say, Mr. President, that it would have been but a meager concession when these Senators knew as well as they knew that they were living, in view of the use that they knew they intended to make of the testimony of Professor Newell, if they had given somebody who had knowledge of the real conditions of that Territory an opportunity to appear in the committee room, and by such pointed questions and such pointed suggestions as knowledge of the real conditions would have permitted to have confounded, if it were possible, the witness that was doing his Territory and his home so grave an injustice.

The Senator from Indiana speaks of Professor Newell as a scientist, and he wants Senators to read his testimony. Mr. President, the experience of the attorney is that the testimony of the scientist in matters of that character as against the testimony of of the every-day man of affairs who lives there and has personal knowledge of the things of which he speaks is not to be compared in conclusiveness and satisfaction with the testimony of the latter. Those of us who have tried mining cases can appreciate this. If the Senator will but read the decisions of the Supreme Court of the United States he will find that the greatest legal tribunals in the country have declared that, as against the scientist, the testimony of the man of affairs—the common, practical miner—is infinitely superior, and carries much the greater weight with the court.

Mr. BEVERIDGE. Mr. President, will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Yes.

Mr. BEVERIDGE. I call the Senator's attention to the fact, which no doubt for the moment he has forgotten, that it appears from the testimony of Professor Newell that not only is he a scientist, speaking as such, but as a man personally familiar with the whole subject, having made examination after examination on the ground, so that he combines both the scientist's information with that of the person who is on the ground.

Mr. PATTERSON. Yes, Mr. President, that is the peculiarity of scientists; they claim to know everything about every subject. A man whose education is in Washington——

Mr. BEVERIDGE. Permit me. Does the Senator deny that it appears in the Record itself that Professor Newell testified that he had been over the ground. I call the Senator's attention to the fact that this is not a book scientist, but a man who testified before the committee that he had examined the subject on the ground, and thoroughly.

Mr. PATTERSON. Of course, that is the peculiarity of all such scientists. There is absolutely nothing with which they are not familiar—practically, theoretically, and in every other way. To confess their ignorance of any phase of any subject would, according to their standard of skill, be to write them down, not scientists, but common ordinary people.

But, Mr. President, Professor Newell is the head or is a high official of some Washington bureau. He has gone to this great Territory occasionally, up one stream and down another. To say that he is familiar with one one-thousandth part of the great Territories of Arizona and New Mexico is to declare that the age of miracles is yet with us and that men who seem to be, so far as effort is concerned, confined to the qualities and abilities of a human being, have the qualities and abilities of ethereal beings hovering over an entire Territory and enabled to take with one sweep of the eagle eye everything that is to be seen upon the surface and beneath the surface—wherever the spiritual eye could reach.

In reply to the Senator from Indiana, I simply meant to say, in defense of those two Territories, in defense of the people who live there, whose all is there, who have gone to the West for the purpose of building up great Territories and making them great States, that what is claimed as to the small amount of land that is subject to irrigation is the statement of one who knows substantially nothing whatever of the subject of which he speaks, and, if he does know, then, Mr. President, he is entirely mistaken in the claims that he makes.

Mr. NELSON. Mr. President, the Senator from Colorado [Mr. PATTERSON] seems to have become oblivious——

Mr. QUAY rose.

Mr. NELSON. I will yield to the Senator from Pennslyvania for a motion to adjourn, and reply to the Senator from Colorado in the morning.

Tuesday, February 17, 1903.

Mr. DEPEW. Mr. President, the debate closed while I had the floor at the last hearing upon the statehood bill with an eloquent speech on the part of the Senator from Colorado [Mr. PATTERSON] in reply to what I was saying at the time. He was taking exception to my remarks and giving to them an interpretation and a free expression of his own views. He took the broad ground that the position of the opponents of this omnibus statehood bill amounted, in the first place, to an attack upon the West, the great West; in the second place, that it was a tremendous injury to the investments and the population of these Territories to have the statements made here become a permanent record in regard to their condition with the testimony delivered before the Committee on Territories and the views of scientists upon their condition, and, lastly, he complained that the committee and the speakers had been guided in what had been said by the reports of a scientist when the testimony of practical men would be of more value.

Now, I yield to no one in my respect and admiration for the great West. I do not propose, however, to assent to Territories which are no part of the great West, which have none of the characteristics of that magnificent part of our imperial domain, coming into the Senate under the cloak of those great Commonwealths. The Middle West, formed out of the Territories ceded by

Virginia, Maryland, New York, and other States, are to-day not only among the most prosperous of the States of the Union, but they have before them a wonderful future. The States formed out of the Louisiana Purchase, fifteen of them, are to celebrate next year the one hundredth anniversary of the purchase of that territory. Those fifteen States are centers of civilization, of population, and of wealth, which add enormously to the power of the Republic.

The Northwestern States, great and growing, and the State of my friend the Senator from Colorado, great and growing, are all parts of this Great West. This Great West has over 30,000,000 of the 76,000,000 of the people of the United States, and it can not be put in comparison with Arizona and New Mexico. That territory which came from Mexico to us, which is a part of Colorado (the poorest part), New Mexico, Arizona, Nevada, and Utah—that is not the Great West. It was known while the Great West was being built up as the Great American Desert on the maps which we had in the schoolrooms in our boyhood. That territory was settled long before the Great West had a white inhabitant. It was under territorial governments of Mexico two hundred years before the Great West had Territorial governments or populations. While that territory has remained stagnant, the Great West which I have alluded to, the States under the ordinance of 1787, the States of the Louisiana purchase, and the other States of the Northwest, have grown to be nearly one-half in population, in power, and in wealth of the Republic, and are advancing more rapidly than any other part of this great nation.

So I, sharing any enthusiasm which my friend the Senator from Colorado may have, will join in his most glowing periods of the Great West. But I can not stand here and permit him to hide behind this magnificent association of Commonwealths, of areas, of civilization, and of all that makes a great country, these alkali plains and arid wastes and these unpopulated districts, which in three hundred years have stood so far behind the Great West, and call them the Great West and equally deserving statehood.

Mr. President, as to the suppression of the truth or as to misstatements, I have seen no misstatements in regard to the present conditions which prevail in Arizona and New Mexico. They are not the vaporings of the platform; they are not anonymous communications to the press; they are not the mere statements of people which are unverified, but they are the testimony of witnesses on the ground, summoned and appearing and giving their testimony before one of the committees of the Senate.

Mr. BEVERIDGE. Under oath.

Mr. DEPEW. And giving that testimony under oath, each witness subject to all that brings out the truth in our courts and tests the veracity and credibility of witnesses by a cross-examination by those who are anxious to let in those Territories as States and who wanted as favorable testimony as possible. There has been no perversion of the truth and there has been no suppression of the truth.

It would be a great misfortune if in adding at this period of our history new Commonwealths to take their equal position through their United States Senators in this Chamber they should come in here under false pretenses, under a suppression of the truth, or under a keeping back of the facts which, if known, would prevent the American people justifying their arriving yet at statehood.

The suppression of the truth, Mr. President, is not in telling the exact facts about these States, and therefore preventing their immediate admission, but it is in admitting them. We all remember the old couplet, so often recited and never controverted:

> Truth crushed to earth shall rise again:
> The eternal years of God are hers;
> But Error, wounded, writhes with pain,
> And dies among its worshippers.

But, for the first time since that couplet was quoted in sermons, in orations, and in schoolbooks, the admission of these Territories, unless the truth were told, would bury truth so that it could never rise again, because if these Territories came in as States without our knowing all about them—no matter if the truth did injure property no matter if it did stop booms, no matter if it did interrupt speculations, no matter if it was hostile to promoters—if they came in because the truth was suppressed, on that account, then, as no State can ever be put out of the Union, truth would be buried under the Dome of this Capitol, and truth could never rise again until in the crack of doom and on the day of judgment there was a dissolution of the Union.

I was very much surprised at the position which my friend, the Senator from Colorado, took at this late day in reference to the superiority of the practical man to the scientist on a question like that of the possibilities of irrigation, of the possibilities of storing water, of the area that could be watered by storage, and of absorption and evaporation.

The old river Nile has flowed from its mythical source—mythical until our generation—for millions of years, making fertile by the overflow of its banks the territory through which it ran. As the headwaters became settled the flow ceased to be as great, and distress came to that country, which, during the whole classic period, was the granary of the world. "The man with the hoe" and the plow, and the men with the boat propelled by oar or sail or rope or pole, the men who traveled up and down, were all intent upon the relief of agriculture along this great river. Twenty odd dynasties came in the ancient period, and were unequal to the task. The highest civilization was succeeded by Mohammedanism, and every stage of the highest civilization of the world during historic and nonhistoric periods has given itself to this problem of the Nile.

The Nile differs from the Rio Grande and the Pecos and the Salt River of our Territories in the fact that it flows all the year round, but at the flood it overflowed its banks and made agriculture possible. It has been reserved for the last decade, for the engineer under the government established there by Great Britain, to solve the problem of old Nile and to harness her to industry. The great dam at Assuan, the most wonderful structure of ancient or modern times, has impounded those waters in such a way that hereafter there will be no more drought in Egypt and no more suffering among the farmers. Instead of relying upon the uncertainties of weather, of sunlight, of drought, and of flood, the river is controlled, and controlled by science.

A scientific gentleman, selected by the United States Government because he is at the head of his profession, is appointed the chief hydrographer of the United States Geological Survey, Prof. F. H. Newell. He has no private purposes to accomplish, he has no political or personal aims in view, but under his oath of office, knowing that this work is to be verified or disputed by all the selfish interests—and properly selfish interests—affected in those vast Territories, he is sent out there by the Government for the purpose of making investigation and report. He visits every part of those Territories with his assistants; he travels up and down those rivers; he goes to the mountains; he looks at the lakes; he estimates the rainfall, and he ascertains the storage capacity of the water there is in all that country.

Now, his conclusions are disputed, because it is said that the practical man knows more on this subject than the scientist possibly can. I will admit that the cowboy knows more about herding his cattle and taking care of them than a professor of the Geological Survey; I will admit that the farmer will know more as to the management of his crops and the miner as to the working of his mines, but it is simply absurd to say that the cowboy or the farmer or the miner or the prospector, in the limited area in which he works, with the limited information that he has on such subjects, can state what is the amount of the flow of the Rio Grande, of the Pecos, and of the Salt River; that he can tell what is the amount of water which is gathered and which may be stored in the mountains and at the sources of these rivers; that he can tell how much acreage of water is necessary for the purpose of irrigating an acre of land. His testimony would be absolutely worthless. But here is an expert of the Government, a distinguished scientist, whose object in testifying is simply to tell the truth.

Mr. BEVERIDGE. Before the Senator from New York reads the testimony of Professor Newell, I wish to say that Professor Newell is not only the hydrographer of the United States Geological Survey, and a scientist of great eminence, as the Senator from New York says, but also that he has personally and practically familiar knowledge of the section of country of which he testifies. That appears, as I think the Senator from Colorado [Mr. PATTERSON] will remember, on the face of the testimony itself. So that the testimony of Professor Newell is not only the testimony of a scientist such as the Senator from New York has described, but also the testimony of a practical man, who has examined the situation on the ground. Therefore the value of his scientific testimony is reenforced and emphasized by his practical and personal examination of the subject-matter.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. Certainly.

Mr. PATTERSON. It is not my purpose to interrupt the Senator from New York at all in his speech to-day, as I understood him to say on yesterday that he was anxious to conclude this afternoon, as he was obliged to leave the city, so I shall not now indulge in any interruption, except to say that if an opportunity is offered, without trenching too much upon the Senator or taking too much of the time of the Senate, I shall be able to demonstrate from official documents in the Department and on the testimony of the Department itself that Professor Newell is sadly mistaken about the capabilities of New Mexico as to the

amount of water and everything that pertains to the agricultural possibilities of the Territory.

I think I shall also be able to demonstrate in the most conclusive way that the suggestion of the Senator from New York [Mr. DEPEW] that New Mexico is standing still and is not progressing with the West, that the new life and new blood which is now coursing in this country from one end of it to the other is not flowing into New Mexico—I think I shall be able to demonstrate that the Senator is sadly mistaken in that respect also. But I do not think it would be fair to him, in view of the matter of time, to interrupt him to do so now.

Mr. BEVERIDGE. The Senator from New York had all day and the Senator from Colorado has plenty of time.

Mr. PATTERSON. The Senator from Indiana suggests that the Senator from New York has all day and that I have plenty of time. If the Senator from New York will say that, I will give him a few facts and figures now, which I think will change his views upon the subject.

Mr. DEPEW. If the Senator thinks he has any facts which can change my views I want to hear him now.

Mr. BEVERIDGE. Mr. President, that was a sotto voce remark of mine, such as frequently passes between my very good and honorable friend the Senator from Colorado and myself.

Mr. DEPEW. Professor Newell says that it has been his duty to examine from a scientific standpoint the physical conditions of New Mexico and Arizona, and that since 1888 he has spent considerable time in those Territories and in the adjoining States. I read the following from his testimony:

The CHAIRMAN. Will you state to the committee, in your own way, the situation in the Territory of New Mexico with reference to the question of aridity?

Mr. NEWELL. The Territory is well within the arid region, and agriculture there is dependent almost entirely upon the artificial application of water.

The CHAIRMAN. By the artificial application of water you mean irrigation?

Mr. NEWELL. Yes, sir; irrigation. The principal source of supply is the Rio Grande and its largest tributary, the Pecos River. The United States Geological Survey has been measuring the flow of the Rio Grande where it enters New Mexico, and at various points along its course. We have also measured some of its tributaries, and have measured where it leaves the Territory to form the boundary line between Texas and the Republic of Mexico. We have been making studies of the extent to which that water can be used for irrigation purposes in the future.

Now, where is the man of the rule of the thumb, the practical man, who has made investigations of that kind? And where is the man who has made investigations of that kind who had the scientific knowledge to make his investigations of any earthly value?

The CHAIRMAN. Will you state to the committee the extent to which that water is used at present?

Mr. NEWELL. The usual summer supply is entirely employed, and there is now a considerable acreage under cultivation for which there is not a sufficient supply of water in all seasons.

That is now.

The spring flow—the floods—in large part go to waste, and water storage is absolutely essential to the future development of the Territory.

He then goes on to state that there is some water storage, but that it could be greatly improved. Then Senator PATTERSON takes up the cross-examination in regard to this water storage:

Senator PATTERSON. Tremendous volumes of water come down those rivers during certain seasons of the year, do they not?

Mr. NEWELL. They are very large.

Senator PATTERSON. If the waters could be conserved a very heavy percentage of land could be put under irrigation, could it not?

Mr. NEWELL. We have been measuring the amount of water, and if it could all be saved several hundred thousand acres could be irrigated.

"Several hundred thousand acres," and you must remember, Mr. President, that in these two Territories are 151,000,000 acres. This scientist says that if the water which is available is stored, several hundred thousand acres more can be irrigated.

Senator PATTERSON. Is that the limit—several hundred thousand?

Mr. NEWELL. I think so. The limit is the total amount of water which comes down the Rio Grande and Pecos. The measurements at various points on the Rio Grande give the actual amount of water which has passed that point during various years in succession. Those figures I can insert in the testimony if you wish.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. Certainly.

Mr. TELLER. I simply want to call the Senator's attention to the fact that Professor Newell was not speaking of the two Territories, but of New Mexico alone. That statement has no relation to Arizona at all.

Mr. DEPEW. But the testimony that is here in regard to Arizona is substantially to the effect that the condition of Arizona is worse than that of New Mexico.

Mr. TELLER. Mr. President, however that may be, it has no relation to the Pecos River, but only to the Rio Grande. No part of Arizona would be watered by the Rio Grande.

Mr. DEPEW. I understand.

Mr. BEVERIDGE. But, Mr. President, Professor Newell does also testify concerning Arizona quite as fully as he does concerning New Mexico.

Mr. DEPEW. Here is what he says:

The CHAIRMAN. You may state to the committee what portions of this Territory may be used—whether there is a possibility of agriculture in this Territory except by irrigation.

Mr. NEWELL. It is not possible excepting on the northern portion of the Territory. There, at an elevation of about 7,000 feet, settlers are raising small areas of potatoes without irrigation, and some cereals, cut green, for feeding cattle.

The CHAIRMAN. Aside from that, the occupation of agriculture is not possible there, except by irrigation from streams. Is that true?

Mr. NEWELL. Yes.

The CHAIRMAN. In order to make this brief, I will state that the committee understands that the irrigated area is about Phoenix, some on the Gila River, and some near Yuma.

Mr. NEWELL. Yes.

The CHAIRMAN. What can you state about the sufficiency or the insufficiency of the water supply for the irrigation canals about Phoenix?

Phoenix, we must remember, Mr. President, is the most important, as well as the most promising, part of the Territory of Arizona.

Mr. NEWELL. The condition at Phoenix is extremely serious, as the land under cultivation exceeds in area the available supply of water.

Remember, that is now.

For the last two or three years there has not been sufficient water for more than half or two-thirds of the land which has been normally under cultivation.

The CHAIRMAN. Is that because there is not enough water in the river?

Mr. NEWELL. It is because of the shrinkage of the river during the past few years.

The CHAIRMAN. Is there any other source of water supply for irrigation, except that water from the river?

Mr. NEWELL. That is the only source excepting a small amount of water to be obtained from deep or artesian wells, and from shallow wells in the gravels near the river channel.

The CHAIRMAN. Could any appreciable quantity of water be obtained in that way, taking into consideration the whole area?

Mr. NEWELL. That would probably not represent more than 1, 2, or 3 per cent of the entire area that is irrigable.

There you have——

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. I will yield in a moment if the Senator will allow me to conclude just one statement.

Mr. PATTERSON. Very well.

Mr. DEPEW. The testimony is here that the rivers about Phoenix, especially the Salt River, have diminished 70 per cent in volume in the last five or six years.

Mr. PATTERSON. Mr. President, upon the theory that I will not interfere with the Senator's movements after to-day, I will venture to interrupt him at this time for the purpose of making some suggestions upon the area of irrigable land in New Mexico as we find the subject treated by the Department of the Interior, and especially now with reference to New Mexico. Professor Newell summed up his statement with reference to the amount of lands subject to irrigation in New Mexico as follows:

Mr. NEWELL. We have been measuring the amount of water, and if it could all be saved several hundred thousand acres could be irrigated.

Senator PATTERSON. Is that the limit—several hundred thousand?

Mr. NEWELL. I think so. The limit is the total amount of water which comes down the Rio Grande and Pecos.

So that Professor Newell took into consideration the two rivers in this part of his testimony—the Rio Grande and the Pecos. He furnished the committee later, and it is inserted in the testimony, with a table of the amount of water that comes down the Rio Grande according to measurements at two different points.

In the reports of the Agricultural Department it is set down that an average of 4 acre-feet of water leaving the stream to be conducted upon land will irrigate an acre of land. That is the average. There is an extreme maximum of 10 acre-feet and a minimum of 1¼ acre-feet; but I find the average of the measurement of the Rio Grande River for over ten years, commencing with 1889 down to 1901, gave an average of 187,690 acre-feet. According to that, the Rio Grande River alone, without the construction of reservoirs, will irrigate about 200,000 acres of land. He does not give us any measurements of the Pecos River, but the Pecos River will irrigate even more land than will the Rio Grande.

Mr. BEVERIDGE. How large is the average?

Mr. PATTERSON. An average of 787,690 acre-feet of water—and it will average that—up to the present time. An average of 4 acre-feet as it leaves the stream will irrigate an acre of land.

Mr. President, I find in looking at some department reports

that there are a number of places in New Mexico of which Professor Newell apparantly had no knowledge. I will not undertake to read all about them, but will briefly call attention to a few of them. Reading from the Report of Irrigation Investigations for 1900 we find that in the Territory of New Mexico there is the Delaware River, from which a very considerable amount of land may be irrigated. There is another stream called the Black River, another called the Rocky Arroyo, and then the Seven Rivers, the Penasco River, and streams in Chaves County.

Mr. BEVERIDGE. Where are those rivers located, I should like to ask the Senator?

Mr. PATTERSON. They are located in New Mexico.

Mr. BEVERIDGE. I know; but in what part of New Mexico?

Mr. PATTERSON. I think they are located between the center and the eastern part of the Territory of New Mexico. I have not had the time to locate each of these rivers, but I have taken them up and they show the possibilities of future irrigation.

Mr. BEVERIDGE. Of course the Senator knows much better than I do, although I have given this subject some study, that merely because there is a channel marked a river it does not follow that there is a body of water in that river. It might have water for a month in the year, and the rest of the time be dry. As the Senator will remember, Professor Newell testified in regard to the Canadian, in the northeast portion of New Mexico. He had been there and he investigated the entire subject. The three rivers from which water for irrigation may be obtained are the Rio Grande, the Pecos, and the San Juan.

Mr. PATTERSON. I know, but these are all rivers which carry water that not only may be utilized for the irrigation of lands in New Mexico, but they are utilized for the irrigation of lands in New Mexico. The amount of lands irrigated from these streams is subject to very considerable expansion. Then we have what they call the Hondo River, in regard to which the Department uses the following language:

> The Hondo is formed by the junction of the Rio Benito and Rio Ruidoso, in Lincoln County. Both of these streams rise in the White Mountains, about 20 miles apart, and flow down through narrow and deep but fertile valleys. Their flow is not more than 15 cubic feet per second each, and the farming is done right along their banks. The return waters make the stream appear to have a greater flow, etc.

I can not read all that it says upon the subject, because it would become tedious. This is what he says of the productiveness of the land that the water covers:

> Yet so fertile is the valley and so perfect the climate that fruit and vegetables raised here are superior to those of almost any other section of the United States.

Then we have another stream, called the Rio Mimbres. That is referred to in the same book, and I will read just a little about it. First, let me mention in this connection that in 1898 Congress enacted a law donating 500,000 acres of land to the Territory of New Mexico for the encouragement of the construction of reservoirs—not ditches, but reservoirs—and these lands were selected by the Territory with reference to their possibility of irrigation; and the Territory passed an act upon the subject. This report uses the following language with reference to that:

> Under the encouragement of this act about ten associations or corporations have been formed, and within the next year several reservoirs will be under process of construction.

These are for the reclamation of land that could not be reclaimed by mere ditches. They are away from the beds and lines of streams.

> One of the first to organize and apply for a contract under this act was the Rio Mimbres Irrigation Company. This company proposes to store the flood waters of the Rio Mimbres, water that is now absolutely wasted, for the Rio Mimbres has no defined or known outlet. After leaving the narrow valley in the east-central part of Grant County, it opens out onto a broad plain, and even the flood waters are lost by absorption and evaporation before reaching the Mexican border, some 60 miles to the south. The surface flow of this river has long been appropriated, and some of the most fertile and best-cultivated farms in New Mexico lie along this river in its narrow mountain valley. Beneath the alluvial deposit and on top of the bed rock along this narrow valley is a stratum of gravel, and it has been learned through numerous tests that a considerable flow is constantly passing off through this gravel. An attempt was made several years ago to bring this underflow to the surface, but owing to faulty methods, or rather faulty construction, the attempt was practically a failure.
>
> It is also one of the purposes of the Rio Mimbres Irrigation Company to impound and utilize this underflow.

It would be too tedious to continue to read, but it is estimated that by this enterprise alone 40,000 acres will be reclaimed. It is estimated that every one of the 500,000 acres donated by Congress to the Territory of New Mexico will by eight or ten different enterprises be reclaimed.

Now, in addition to the reclamation of land by ditches and by reservoirs, in a great portion of New Mexico an immense amount of water can be secured by artesian wells. It would gratify the Senator very much if he could see the tremendous flow from one of the artesian wells pictured in this book. It looks as though it had water enough to irrigate the State of New York, spouting up, evidently, to a height of 150 feet, and the possibilities from these artesian wells are immeasurable.

Then again, Mr. President, I want to call the attention of the Senator from New York to this fact: The use of water in all the Western country has been most extravagant. It is estimated that by what is called intensive cultivation and a careful regard for the proper use of water, where before 4 acre-feet were required now 1 acre-foot will be amply sufficient to properly cultivate 1 acre of land.

Based upon these facts and these data, and based upon the experiences of men who have lived in the Territory, with the possibilities for the economical use of water in view, the opinion of the best and the most practical men in the Territory of New Mexico is that, instead of 200,000 or 300,000 acres being the limit of land that may be reclaimed in the course of a comparatively few years, at least 10,000,000 acres of land in the Territory of New Mexico will be made to bloom and blossom as the rose.

Having those facts in mind, I suggested the other night that very great injustice was being done both to the Territory of New Mexico and to the Territory of Arizona by taking the testimony of a single man, Professor Newell, who is a scientist and a theorist and is not a practical man, with a practical knowledge of the possibilities of the economical use of water in irrigating districts. If these Territories are admitted as States into this Union, I believe, so strong is the love of justice in the heart of the Senator from New York, that within ten years, if he is then a member of this body—and I trust he will be—he will rise in his seat and apologize to the people of New Mexico and Arizona for having given credence to some of the statements that were made before the committee.

Mr. DEPEW. Mr. President, I appreciate the compliment of the Senator from Colorado, but I fear that the difference between the statements he gathers from his publication——

Mr. PATTERSON. Will the Senator let me read a short sentence that he may have it all before him?

Mr. DEPEW. Certainly.

Mr. PATTERSON. Mr. W. H. Llewellyn, of Las Cruces, N. Mex., in his testimony before the subcommittee, made this statement in reference to the Rio Grande alone:

> Gentlemen of the committee, here is the condition existing in New Mexico with reference to what we may expect as a permanent population. It has been estimated by Major Powell—

And certainly Major Powell stands as high in the list of scientists as does Professor Nowell—

> It has been estimated by Major Powell, who was formerly the Director of the Geological Survey, as well as by other competent Government engineers, that the valley of the Rio Grande, from Espanola, in Santa Fe County, down to the Texas State line, will alone support and maintain a population of a million people depending solely and entirely upon the pursuits of agriculture for their living.

Mr. SPOONER. Will the Senator from Colorado allow me to ask him a question?

Mr. PATTERSON. Certainly.

Mr. SPOONER. Do you think we ought to admit Territories into the Union as States upon engineering estimates?

Mr. PATTERSON. I am glad the Senator has come to my side of this controversy and that he has arrayed himself against the Senator from New York.

Mr. SPOONER. I am not on your side.

Mr. PATTERSON. It is the Senator from New York who wants to keep New Mexico out of the Union upon an engineering estimate. I am objecting to keeping her out of the Union upon an engineering estimate, and insisting that the knowledge and experience of practical men are of far greater importance in a matter of this kind than any conclusion scientists may reach.

Mr. DEPEW. I think the great difference between the Senator from Colorado and me is that the statements which have been given him and from which he reads are those of the promoter, of the speculator, of the local man who is interested in booming the Territory, while mine are from a cold-blooded, clear-headed, thoroughly trained scientist who knows what he is talking about.

Mr. TELLER. Will the Senator from New York allow me to interrupt him for a moment?

Mr. DEPEW. Certainly.

Mr. TELLER. I wish to say as to Major Llewellyn that he is not a promoter. He has been a citizen of that country for twenty-one years. I knew him when living in the State of Nebraska. I have known him for probably twenty-five or thirty years. There is not a more upright, honorable man in New Mexico. He is not a promoter, he is not a speculator, and there is not a man in New Mexico whose word would go further with me than that of Major Llewellyn.

Mr. DEPEW. I am not disputing the word from his standpoint of a promoter or a speculator. I fall in with them all the while. So many of them come to New York with mining propositions that I have become acquainted with every inhabitant of

both Territories. Philanthropically alive to my welfare, regardless of cost to themselves, they present to me every week the opportunity to secure fortunes that would make those now talked of all over the world pale into insignificance. It is not my distrust of their sincerity, honesty, or truthfulness, but it is of the basis upon which they build those tremendous statements.

I was induced some years ago, under statements in regard to irrigation, artesian wells, stored waters, and canals, with the wonderful production which would surpass that of any fields in the world, to make an investment in an irrigating company, primarily to make money, secondarily to develop the Territory, so that before ten years elapsed I might view the millions settled upon the reclaimed land coming here and demanding statehood—the owners of millions of acres yielding three crops a year by irrigation. The voice of the siren sounded in my ear, the siren being moved by stored water. [Laughter.] That irrigating proposition is still working. The lands are still there; the canals are there; the storage reservoir is up in the mountains. Sometimes water comes into it; sometimes it does not. It takes a large part of the revenue to get the silt out which is the inevitable adjunct of waters coming down from the mountains.

Mr. SPOONER (to Mr. DEPEW). But your money does not come out of it.

Mr. DEPEW. And everything else comes out of it, as the promoter said, except my money. [Laughter.]

Now, here is a letter addressed to the Senator from Wisconsin [Mr. SPOONER] by the educational association of New Mexico. I presume on this question the Senator from Colorado and I will agree that the educational association must necessarily be composed of the best informed people of that Territory, unless he carries his criticism of scientists also against the board of education of the Territory of New Mexico.

The board states:

> The statehood bill, now in the hands of the Committee on Territories, provides for granting more lands to New Mexico when she becomes a State, but the bill makes no restrictions as to the price or method of selling these lands. It permits immense speculation to occur to the sacrifice of our school interests. No State was ever admitted into the Union which needed more assistance in the establishment and support of a system of education than does New Mexico to-day.

Now, I read further from the communication of the board of education:

> From Governor Otero's report for 1899 (page 6) it will be seen that out of about 79,000,000 acres in the Territory about 24,000,000 acres are already included in lands and railroad grants, Indian and military reservations, and Government entries. It may be readily concluded and easily proven by observation that very little good agricultural land remains from which to select the lands already given or yet to be given to New Mexico for educational and other purposes. Large tracts of the Government land still remaining are worth but little, on an agricultural basis, even for grazing. A very considerable part has no value whatever, unless it be for the minerals it may contain.
>
> By the Congressional act of June 21, 1898, the Territory is not allowed any land declared to contain minerals. A very considerable part of the wealth of New Mexico is in its mineral deposits. Its future prosperity will come largely from the development of these resources.

This statement seems to negative and ignore those millions of agriculturists whom the hopeful imagination of my friend the Senator from Colorado sees gathering and cultivating lands around these mythical streams and marvelous springs.

Mr. PATTERSON. The theory of the Senator from New York is based upon a lack of knowledge of what the paper he reads contains. It may be true that there is relatively a small amount of agricultural land yet subject to be taken up by private individuals, but if he will examine the map furnished by Professor Newell he will discover that probably a third of the 70,000,000 acres have already been taken up and are now controlled by private ownership, and presumably the best of the New Mexico land is embraced within those areas.

The Territory was covered with Spanish grants, with hardly a grant for less than a hundred thousand acres, and some of them for four and five and six million. I presume there are 40,000,000 acres of the best land in the Territory of New Mexico now held in private ownership either by private individuals or corporations, the origin of the title being a grant. So the statement from this educational body in no wise conflicts with what the Senator from New York is pleased to term a glowing picture portrayed by myself.

May I in this connection show the Senator how New Mexico is growing in the matter of manufactures, because I know he wants enlightenment? I have here some figures taken from the census of 1900. Let me show the Senator from New York how New Mexico is growing in the matter of manufactures alone.

In 1870 the manufactures in New Mexico amounted to $1,489,868; in 1880 to $1,284,846; in 1890 to $1,516,195; in 1900, in a period of ten years, the manufactured products of New Mexico increased from a million five hundred thousand dollars to $5,605,795.

Mr. BEVERIDGE. What were they?

Mr. PATTERSON. I have not the manufactures. I have the figures of the manufactures of the Territory of New Mexico, and am giving the totals as taken from the last census. As to the number of manufacturing establishments, in 1870 there were 182; in 1880 144; in 1890, 127, and in 1900 they grew to 420. In the matter of wages, which is some index of the growth of a State or Territory, in 1870 the total wages paid in New Mexico were $167,281; in 1880, $218,731; in 1890, $470,361, and in 1900, $1,350,586, a growth of 300 per cent in the amount of wages paid in the Territory of New Mexico during the past ten years.

In the cost of material used let us see what the growth has been. In 1870 the material used amounted to $880,957; in 1880, to $871,352; in 1890, to $691,420, and in 1900, to $2,914,138, showing that the new blood of the West had reached New Mexico and is circulating in New Mexico and is bearing the fruits of which the Senator from New York is so justly proud when applicable to his own State, but which possess no virtue of when displayed in the Territories of New Mexico and Arizona.

Mr. DEPEW. Mr. President, I am very glad to hear those figures in regard to New Mexico. I am afraid there are none of a similar kind for Arizona. But during that period see how the country has grown. It is said that the barometer of national wealth is iron. In the United States there were produced of pig iron in 1870 1,700,000 tons and in 1900 14,000,000 tons. There were produced of steel in 1870 69,000 tons and in 1900 10,000,000 tons. The production of cotton in this country has grown in that time from 3,000,000 to 9,500,000 bales, and the value of our manufactures from four billions of dollars to thirteen billions; and so I might go on indefinitely.

Mr. President, in one of the ablest speeches made on the side of statehood in the Senate, by a Senator who is always very careful and exceedingly studious in his researches—I refer to the Senator from North Dakota [Mr. MCCUMBER]—he estimated that ten per cent of Arizona and New Mexico could by one process and another be brought under irrigation. That was his hopeful view as a statehood man. From that heestimated that in time to come there would be a million people in each of those two Territories.

But there are a hundred and fifty-one million acres in those two Territories, and if only ten per cent can be brought under cultivation, that is only 15,000,000 acres. It leaves a hundred and thirty-seven million acres of desert or arid land, of cactus and of alkali, to be represented in the United States Senate by four Senators as against the States which came in under the Northwest Ordinance, possessing all together little more territory, and those four Senators from the arid lands would neutralize Ohio and Illinois or Indiana and Michigan in the Senate of the United States.

[At this point Mr. DEPEW yielded to Mr. PROCTOR to submit a conference report on the Army appropriation bill.]

Mr. DEPEW. Mr. President, reverting again to the number of years of settlement, I find that New Mexico, with three hundred years of settlement and fifty-odd years of a Territory, has $5,605,000 of manufactures, while Oklahoma and Indian Territory, with twelve or thirteen years of settlement, have $11,000,000 of manufactures; that New Mexico after three hundred years of settlement has $7,000,000 of live stock, while Indian Territory and Oklahoma have $30,000,000 after twelve years of settlement; that the farm crops of New Mexico after three hundred years are $3,000,000 in value, while Oklahoma and Indian Territory are $43,000,000.

I am not without some personal knowledge of this water question in New Mexico. Having been born on the banks of the Hudson and believing that to be the most beautiful stream in the world, my attention has been called from early boyhood to the great rivers of the globe. I read all about the Amazon with its 3,000 miles of navigation. I took great pride in the Mississippi, the father of waters, with its affluents furnishing 4,000 miles of navigation. I studied the story of old Nile and of the Tiber, and then I would come every now and then to the Rio Grande. Every now and then I would find a glowing description of the Rio Grande, of the immense territory that it drained and fertilized, and the statement that it received its name from its Spanish discoverers of the grand river. I saw many of these other rivers, comparing them with the Hudson, and wondering at their size and their commerce, but it was only about five years ago when I had the opportunity of gratifying the desire of a lifetime to see the grand river of New Mexico. When we arrived at El Paso, without stopping for anything else, I immediately left the train and walked on and on to see this Rio Grande, to witness the commerce floating upon its bosom, to see its river craft for the carriage of freight, and its palaces, like we have on the Hudson, for the carriage of passengers, to view the wharves with their busy warehouses, and their thousands engaged in the traffic of the great river. After walking for more than an hour and not hearing the thunder of its flood nor the noise of commerce I turned and walked back. I saw an

aged man who looked like the oldest inhabitant, and therefore likely to give me the truth. I said, "My friend, I am looking for the Rio Grande, the grand river of New Mexico. Can you tell me where to find it?" Said he, "Sir, you have already crossed it twice on foot." [Laughter.] And then, sir, I found that possibly the reason why it was called the Rio Grande is the peculiarity which those New Mexican rivers have, which belongs to no other streams in the world—their bottoms are on top. [Laughter.]

There is something about a contact on the affirmative side with this effort to let these arid regions into the Senate with United States Senators to remain here forever that fires the imagination of the gentlemen who favor it. Every little while we see in the newspapers an account of explorers across those great deserts discovering the bones of prospectors. The position of the dead and the location of the camp tell the story. In that rainless region the brazen sky, the torrid sand, and the clear atmosphere produce what is known as a mirage. There rises up before the vision of those thirsty travelers a lake, and they see the water and the trees; and the stock seek the water and trees; and the men and the women and the cattle and the horses go forward on their remaining strength in eager search for those visionary lakes, with their overhanging trees along the banks, which recede as they advance.

I am surprised if the Senator from Colorado did not find in the mirage the waters that were to produce those marvelous results which I am to wonder at and make apologies for ten years from now, after the four Senators from those States have been for ten years casting twice as many votes in the Senate as the two Senators from New York.

When my friend the Senator from Ohio [Mr. FORAKER] one of the most eloquent men in the United States, whether upon the platform or in the Senate, was discussing this question in the best contribution that has been made so far on the statehood side, he drew a picture of the conditions which would prevail in Arizona and New Mexico when the irrigation scheme had been fully developed.

In that picture the streams were let over these alkali plains, and we saw crop after crop every year of alfalfa grass coming up, and we saw the herds of cattle and of sheep increasing until the beef problem was solved, until the prophecies of those who say that the increase of population of the world is greater than the growth of the beef supply were negatived, until we saw that the best cuts of beef and the best quarters of lamb and of mutton had been brought within the reach of the poorest people in the United States for their daily food, until we had the surplus which would go abroad to feed the world and make up the deficiencies of old Europe, where the population increases so much more rapidly than the meat supply that a large proportion of the people now never know what meat is.

But the difficulty with the statement, when you come down to science again, is that cattle can only live when within five miles of a watering place, or what they call out there a sink hole, and that it takes thirty acres of grass to feed one cow. Now, these sink holes are wide apart. They have all been discovered. There is not one of them that has not been exploited, and there is no possibility of creating more. I had not then studied this question, and so it seemed to me as I was carried along by the eloquence of my friend that I saw in reality the old sacred description of the "cattle upon a thousand hills" and a thousand cattle upon a hill. But in the case of New Mexico and Arizona there are no hills, and so it was the cattle around a thousand sink holes, only there are not a thousand sink holes around which the cattle can gather.

Mr. ELKINS. Allow me to interrupt the Senator. How does he know about the sink holes? Has he ever been in New Mexico and looked at them carefully? Has he ever personally herded cattle there?

Mr. DEPEW. I would state to the Senator from West Virginia that I have not herded cattle there, but if he had heard my description of the Rio Grande, which I saw and crossed on foot, he would have known that I had been there and have some knowledge about water in New Mexico.

Mr. ELKINS. No; I would have said you thought you had.

Mr. DEPEW. Now, Mr. President, all of us would wish that these optimistic views were true. We wish they were realities and no pictures. Everybody who visits the Netherlands and goes through the Holland galleries and sees those superb paintings of the Flemish masters—those pastoral scenes—would like to have those scenes repeated, not in pictures, but upon the soil all over Arizona and New Mexico.

There is in The Hague a picture by Paul Potter of a bull under a tree with his herdsman, which was taken by Napoleon when he overran Europe and looted the art galleries of their masterpieces to enrich the Louvre. Holland bought back that picture for $50,000. It is valued at $500,000, and Holland would not take a million dollars for it. I wish that instead of its being a million-dollar picture with a solitary bull under a tree in The Hague that kind of cattle might be scattered all over Arizona and all over New Mexico. But at present they only exist in the imagination of Senators who draw these beautiful pastoral pictures to try and pass a bill—the omnibus statehood—by creating water where little does or can exist.

Something has been said here, in fact a great deal, comparing the conditions of the Northwest Territories after the ordinance of 1787 and the conditions which exist in Arizona and New Mexico. Sir, there is no one single possible parallel between the two cases. The one subject which was pressing the Union under the old Confederation was the conflicting titles of Virginia, Maryland, New York, Connecticut, and other States to that great Northwest Territory. Maryland did a noble part in leading the way by ceding her title to the General Government, and then all the other State owners followed. General Washington and the Congress of the United States wanted to settle that wilderness.

The conditions were not then what they are now; they knew that it was fertile and they wanted people to go there. So in the invitations which were extended and in the discussions which prevailed it occurred to the son of Gen. Israel Putnam, himself a general in the Continental Army, to settle this Northwest Territory for the purposes of patriotism by the veterans of the Continental Army, by the soldiers who had won the independence of the United States.

No such immigration ever before went anywhere. No such embodiment of gallantry, courage, and patriotism ever formed the foundations of great States as this of the veterans of the Continental Army in the Northwest Territory. They demanded peremptorily that slavery should not be permitted on that free soil. The ordinance of 1787, creating the Territory, had before failed in Congress because it had a prohibition of slavery in it; but these soldiers of freedom demanded as the price of their settlement that the prohibition of slavery should be put into the ordinance, into the fundamental law, and that then the law should be passed, and they had their way.

They did not accept these lands as gifts. They paid into the Treasury of the United States a million and a half dollars, which, judging between the value of money then and now, was an enormous price for the wilderness. But they stood there as a barrier against the savage Indians along the Miami, who were threatening western New York. They took possession of the disputed lands when the title had not been settled between Great Britain and the United States, and they built up those communities into States which have become the five great Commonwealths of the Middle West.

You can not compare those conditions and those Continental soldiers with their families, those patriots, all Americans, going there on the urgent request of the Congress of the United States, going there because Washington urged that it was their duty to do so in order to build up the country, with the populations scattered over this vast Territory of Arizona and New Mexico, at the rate, after hundreds of years, of about one to a square mile.

Senators, the Senate is now on trial before the people as it never before has been since the organization of the Government.

In one of the leading magazines for the current month a well-known writer on public questions has an article upon the overshadowing power of the Senate. In all representative Governments there is an upper house, but none like this one. In the British House of Lords the membership is hereditary, but it can act only as a check upon the House of Commons. It will defeat a radical measure once. The second time it rejects it there will be an appeal to the country, and then if a House of Commons is returned favorable to the measure, the House of Lords dare not offer any further opposition. If it did its abolition would be certain.

The English seem to like this check upon hasty action on important questions on the part of the popular branch.

In France the Senate they elect has no functions except in legislation. One of the most distinguished of public men in France told me that the Senate had been the salvation of the Republic. He said—and he was one of those who assisted in perfecting the framing of the government of the Republic—that after studying the legislatures of all countries the conservative men came to the conclusion that the best form was an upper house upon the lines of the United States Senate. So, while their House of Deputies is elected like our House of Representatives, the Senate is a delegated body.

France did not possess independent States as we have them, but the country was divided into large districts, and the boards of aldermen, the councilmen, and the members of the various cities and municipalities in the district and the members of the lower house from its subdivisions formed a legislature which elected the senator. He said there had been several times in the thirty years of the existence of the French Republic when in the stress

of intense political excitement the House of Deputies had been swept off its feet, and except for the Senate there would have been a revolution—a revolution in which the country would have turned to a strong man and a military one, and in the overthrow of the Republic there would have been socialism succeeded by anarchy and followed by a dictator.

But in our Senate sovereign States are represented by two Senators elected by the members of the two branches of the legislatures of the several States, who are themselves the selected representatives of the smaller and larger constituencies which constitute the senatorial and assembly districts of the several Commonwealths. But our Senate differs from the upper house, either in Great Britain or in any of the countries of the Continent, in the vastness of its power. We not only have our legislative functions, but we are, with the Executive, the appointing power and the real treaty-making power.

The Senate does not assert itself in any offensive way. It does take an independent attitude on legislation, especially revenues measures, which would not be permitted anywhere else. This is submitted to because, as the limit of a Senatorial term is six years, one-third of the Senate goes back for instructions from the States every two years.

I remember in Senator Sumner's time that he insisted upon it that the Senate should not surrender, even on the social side, its prerogatives of precedence which count so much in the social life of every capital. He said that the judges of the Supreme Court and of all the Federal courts, the Cabinet ministers, the ambassadors and representatives abroad of the United States in every capacity, the whole military and civil force of the Government, receive their appointment by the joint action of the President and the Senate; that the creator is always superior to the creature, and that, therefore, the officers who thus owed their existence to the action of the Senate must necessarily be subordinated to the appointing power. Sumner was logically correct, but the Senate, which cares little for social matters, has surrendered or suspended its rights and permits judges of the Supreme Court to outrank it in the social world.

The Senate has been called upon many times in recent years, and has fearlessly responded to the call, to amend, check, defeat, or originate legislation. The fact that it holds the rein upon law-making and the estoppel upon the Executive is producing every day a closer scrutiny of the powers of the Senate, of its make-up, and of its representative character. By the admission, under one excuse and another, but always because of a temporary emergency for votes to carry the measures of the dominant party, of States with sparse populations and little prospect of growth the people have grown more distant from the Senate.

This is not a question of the election of Senators by the people or by the legislatures, for that would not change the result so long as each State, whether it has 7,000,000 of inhabitants or 40,000, has two, and only two, Senators. As the Senate is constituted to-day, sixteen States having a population of 6,000,000 people can, under the two-thirds rule required for the ratification of a treaty, defeat an international arrangement agreed upon by the President and the Secretary of State, and the rest of the Cabinet, and desired by the other 70,000,000 of the American people. As the Senate is constituted to-day, twenty-three States, with a total population of 13,755,364, and casting 2,363,285 votes, have a majority in this Chamber, while twenty-two States, with a population of 60,851,857 people, are in a minority.

The proposition before us is to give six Senators to a population of 800,000 in communities which possess little possibilities of growth in the future, thus adding tremendously to the discrepancy between the power in this branch of Congress and the people who are represented here. We make one Mexican in New Mexico and one Mormon in Arizona equal in political power to twenty-one citizens of New York and eighteen of Pennsylvania. Ours is a Government by majorities. Every year the sentiment becomes stronger for majority rule, and more and more impatient of minority dictation. It is possible to conceive of conditions where Senators representing a very small minority of the people might defeat legislation which the great majority not only demanded, but which was for the larger interests of the country.

I call the attention especially of the smaller States to the peril which they are inviting. Their sole protection now against a popular movement to make the Senate represent the people is the clause in the Constitution which says that no State can be deprived of equal representation in the Senate without its consent. But if for partisan purposes or to gratify ambitious friends in the Territories who are seeking national distinction, or for neighborly feeling, or for indifference, the Senate becomes more and more, year by year, with the introduction of areas as against populations, of farms as against people, of mines as against citizens, the stronghold of the minority, the people will find a way to remedy the difficulty and to control both branches.

If two-thirds of the larger States, impelled by political considerations to take care of the increasing number of ambitious and aspiring statesmen within their borders, should pass a constitutional amendment making the representation in this body based upon population instead of upon sovereign States, and three-fourths of the States, each having a grievance against the minority, should adopt that amendment, it may happen that in the refinements possible in the judicial mind "equal representation" could be so explained away in the Supreme Court of the United States as to hold that such an amendment was not a violation of the Constitution, or if a convention should be called by two-thirds of the States to amend the Constitution, in that convention the process would be simpler. That convention would be based upon the representation in the House of Representatives and be a popular body. The largely populated States would have an immense majority and could do as they pleased. From such a body would certainly come amendments to the Constitution little short of revolutionary against this minority representation.

Before Senators whose experience here has shown them the value of this branch of our Government invite an attack upon it, and encourage the hostile criticism which is growing so rapidly, they should give to the subject more consideration than this proposition has received and should hesitate long before increasing the distance of the United States Senate from the voter, the power and the principles of the majority of the American people.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. DEPEW. Certainly.

Mr. DUBOIS. I should like to ask the Senator from New York if he supposes he can get the support of the other end of the country, Delaware, for instance, which compares favorably with some of the Western States, and Rhode Island and New Hampshire and Vermont, to that proposition? All the small populations do not happen to be located in these new states.

Mr. DEPEW. They were the original States, Mr. President, without which the country could not have been formed.

Mr. BATE. Vermont was not one of the original States.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. I yield.

Mr. TELLER. Mr. President, I do not wish to interrupt the Senator, and yet I must confess that after a quarter of a century's service, most of the time in this body, I can not hear with much patience the threat of revolution in this country; that the Government organized by our fathers is to be destroyed because the original plan by which the small States were to have in this body the same power that the large States have is now objectionable to the Senator from New York. It is not any small thing to talk about changing the political conditions in this country, changing the form of this Government under which we have lived and grown so great and so strong. You can not maintain in this country a Government upon the theory upon which this Government was established if you concentrate all the power in the hands of the great States.

The United States Senate was organized by the wisest men who ever lived on this continent, at least, and I think I should not exaggerate if I said upon any other. They organized it wisely. They provided that the smaller States should have in this body the power that the great States have, and now, after more than one hundred years, is there any reason for any man to stand in this Chamber and condemn that system of government?

New England, with its twelve Senators in this body, has not as many people as has the State of New York. Has this Government ever suffered, Mr. President, by the small States of New England being represented in this body? I say here, and I want to say it to the Senator, that he does not represent anybody in this country when he talks about breaking up the form of government which our fathers established, and which the experience of more than a hundred years has shown to be the wisest of any government ever established under the sun.

I have listened to a good deal of nonsense, and I have listened without protest during this debate to a good deal that I considered beneath the dignity of the Senate; but I could not listen to what the Senator from New York has said without saying here, as a Senator from one of the sovereign States of this Union and as a citizen of the United States, that I resent the insult, and I think the American people will resent this insult from the Senator from New York. [Manifestations of applause in the galleries.]

Mr. DEPEW. Mr. President, I regret that the Senator from Colorado feels insulted by what I said. I am not advocating this revolution; I am not in favor of it; I would be against it; but when we add to the minority representation in this Senate and take it still farther away from the people; when we make the

vote of one Mexican in New Mexico equal in this Senate to twenty-one votes in New York and eighteen in Pennsylvania we are calling attention to a condition where we can not tell what the people may do in the discussions of the future.

Mr. TELLER. Mr. President, I wish to say further, if he will permit me for a moment——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. Certainly.

Mr. TELLER. For many years a number of Senators from some of the New England States have represented constituencies whose numbers were eighteen to twenty times smaller than the constituency represented by the Senators from the State of New York, but this is the first time I have ever heard any complaint on that account. I know the public service has not suffered by that representation, and I am sure it will not suffer if it shall continue.

Mr. DEPEW. The only difference between the Senator and myself, Mr. President, is that to his imagination—for the imagination seems to affect somewhat the discussion of this subject—Arizona and New Mexico are placed upon a plane with New England. The situations are not the same. New England is in the Union, and these other States are in the Union. The question is now, Shall we dilute the majority still further and call more acute attention to the conditions now existing where one-tenth of the people of the United States govern them through this body; that fourteen millions of people have greater power than sixty-one millions, and two and a half millions of voters can defeat the wishes of eleven and a half millions.

Except candidates for United States Senators or promoters who are anxious to secure for their enterprises the additional credit which comes from statehood, corporations who wish State or municipal aid and are barred by the provision of the Harrison Act which prevents Territories and their counties and municipalities from bonding themselves for more than four per cent of their assessed value, there is no interest to be served by haste in the admission of these Territories to statehood.

New Mexico has been applying here for fifty years and Arizona for a score, and there will be no harm done in waiting until Congress meets next December. The merits of these Territories for statehood have never been discussed before, and the country ought to have an opportunity of examination before we pass judgment upon their admission.

Oklahoma and Indian Territory united to-day possess the requisites of statehood in population and prospect for their future. If Arizona and New Mexico are admitted they should be united into one State. Even then they would have but little more than the number requisite for a Representative in Congress. It would be wise to make a permanent settlement of this question by thus creating one State out of Oklahoma and Indian Territory, and one State of New Mexico and Arizona, to be admitted after the next Presidental election in 1905.

The Trusts.

SPEECH

OF

HON. EZEKIEL S. CANDLER, JR.,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (S. 7053) to further regulate commerce with foreign nations and among the States.

Mr. CANDLER said:

Mr. SPEAKER: In my judgment, one of the greatest, if not the greatest, question now before the American people is, What shall be done with the trusts? They are leech-like, feasting upon the life blood of individual enterprise and attacking the heart of the Republic. They are defiant of law and absolutely reckless of the interests of the masses of the people.

They recognize no rights of the people and deserve no consideration at our hands—the representatives of the people. So far as I am concerned, I favor giving them no quarter, and I would cheerfully and promptly go to any legitimate extent to destroy them and make impossible their existence. No law to accomplish this purpose could be framed too drastic. The more drastic, the better it would suit me.

I am prepared to go to any length, to any extreme, to effectually throttle them. I have no patience with them, because they have no regard for the people. They are uncompromising in their methods, and we should turn a deaf ear to them and only hear the practically universal cry that is coming up from every section of our common country for relief from their heartless oppression and downright robbery. They should be outlawed, like the highwayman and the midnight assassin.

I am not opposed to legitimate wealth or to honest business. All honor to every man who accumulates much or little by honest toil and clean business methods. I will take my hat off to him, whether he lives in a mansion or log cabin, and say to him, "Well done, good and faithful servant! Enjoy that which thou hast, and accumulate more in the same way, if you can." But to the trust magnates, who have held up the people and forced them to deliver, I would say, "Get thee behind me, Satan!" I was glad to see the "Littlefield bill" pass by a unanimous vote.

I would have been glad, however, to have seen added to it before its passage the amendments proposed by the Democrats, but you Republicans, by your majority, refused to permit that to be done. Therefore it was all that could be obtained and, while it did not go far enough, still it had some good features, and I was glad to see it pass this House.

The whole bill is predicated upon the one clause of the Constitution—the interstate-commerce clause. It completely ignores the power of taxation. It refuses to invoke by any express provision the power vested in Congress to deny to such interdicted trusts or monopolies the use of the facilities of the mails, telegraph, and telephone. It fails to provide for any adequate penalty for default in making such returns as required by the provisions of the act. It fails to define sufficiently what shall constitute an offense under sections 5, 6, and 7, for which it provides a penalty.

It fails to give jurisdiction to the State courts over such corporations as are embraced in its provisions where such corporation does or carries on business, the same as if created in such State, as other citizens thereof are subject to such jurisdiction. It fails to place on the free list all articles manufactured or produced by a trust, and in many other respects is lame and defective. To cure these or many of these defects, and to make the bill more effective and perfect, the Democratic minority, at the proper time, offered the following:

Amendment No. 6: Amend by adding the following:

"SEC. —. That in addition to the grounds of bankruptcy now existing by law, a corporation shall have committed an act of bankruptcy, and shall accordingly be subject to proceedings to adjudge it an involuntary bankrupt and wind up its affairs and distribute its assets, first, whenever it shall have issued stock in excess of the fair, reasonable value of its property; or, second, whenever it shall have given or offered to any person, association, or corporation any privilege, preference, advantage, facilities, discount, or rebate denied to or withheld from any other person, association, or corporation; or, third, whenever directly or indirectly it shall have engaged in any conspiracy or entered into any combination, agreement, or understanding to monopolize or aid in monopolizing any product of general utility, or so much thereof as to affect injuriously the general welfare, or to stifle lawful competition, or to control or affect injuriously the price of or the market for any commodity in general use or demand; or, fourth, whenever it shall have effected or attempted to effect any consolidation, combination, cooperation, undertaking, or agreement with any other corporation, association, or person, contrary to any law of the United States or of any State in which it shall do or offer to do any business."

Amendment No. 8: Amend by adding the following:

"SEC. —. That any property owned or manufactured under any contract or by any trust or combination or pursuant to any conspiracy forbidden by the laws of a State, and being in the course of transportation from such State to another State, the District of Columbia, a Territory, or a foreign country, or to such State from another State, the District of Columbia, a Territory, or a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as are provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and every person who shall, knowing that any property to be owned or manufactured in any of the ways above described, transport it, or cause or order, or contract for its transportation as above described, shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding $20,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall be held to interfere with any proceedings in a State court for the violations of any law thereof."

Amendment No. 9: Amend the substitute by adding the following:

"SEC. —. That hereafter the following articles may be imported into the United States free of all duty:

"1. Steel rails, structural steel, tin plate, iron pipe, and other metal tubular goods; wire nails, cut nails, horseshoe nails, barb wire, and all other wire; cotton ties, plows, and all other agricultural tools and implements.

"2. Borax, borate of lime, and boracic acid.

"3. Binding twine.

"4. Paris green.

"5. Paper, and pulp for the manufacture of paper.

"6. Salt.

"7. Plate glass and window glass."

Amendment No. 10: Amend the substitute by adding the following:

"Sec. —. The President is hereby authorized, and it shall be his duty, whenever it shall be shown to his satisfaction that by reason, wholly or materially, of the existence of the tariff or customs duty upon any article, such article, or articles of its class and kind, are monopolized or controlled by any person, organization, or combination to the detriment of the public, by proclamation to remove or suspend such duty, in whole or in part, until the next assembling of Congress, or until the abuse prompting him to such action shall have ceased."

Amendment No. 11: Amend by adding the following:

"SEC. —. There is hereby levied and shall be assessed and collected annually the following taxes on all corporations, whether domestic or foreign, doing business in the United States for profit or gain, and having a capital stock of $200,000 or more, at the rate of 10 per cent on its capital stock. The amount of the capital stock of any taxable corporation for the purposes of taxation shall be estimated according to its par value fixed by the charter, or by resolution of its board of stockholders or directors, and shall include all

assets owned by such corporation which are reserved or funded or set aside for the benefit of its stockholders.

"SEC. —. Those corporations are exempt from taxation under this act whose income (or profits), after the payment of necessary expenses of operation and administration thereof, is devoted exclusively to purposes of charity or religion or benevolence, or to hospital, medical, surgical, or hygienic purposes; or to education, or the promotion of the useful arts; or to scientific purposes; or to literary or musical purposes; or to public entertainment."

Amendment No. 12: Amend by inserting the following just after section 6:

"SEC. 7. That no person engaged in the production, manufacture, or sale of any article of commerce, or violating any of the provisions of section 5 of this act, or attempting to monopolize or control the production, manufacture, or sale thereof by driving out competition in any particular locality by discrimination in prices or by giving special privileges or rebates or otherwise in order to destroy competition therein in such locality, shall use, either directly or indirectly, any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce for the purpose of aiding or facilitating, either directly or indirectly, such production, manufacture, or sale with such intent; nor shall any other person or corporation use any of the facilities or instrumentalities of interstate commerce or in any way engage in interstate commerce in buying, selling, or disposing of any such article of commerce for the purpose of enabling such first-mentioned corporation to engage or to continue to engage in such production, manufacture, or sale or control with such intent. Every person violating any of the provisions of this section shall be punished, on conviction, by a fine of not less than $500 or not exceeding $5,000."

Amendment No. 13: Amend by adding a new section, as follows:

"SEC. —. The words 'interstate commerce' wherever they occur in this act shall be held to embrace commerce from any State or Territory of the United States or the District of Columbia to any other State or Territory or the District of Columbia.

"SEC. —. If any corporation liable to taxation under this act shall establish to the satisfaction of the Commissioner of Internal Revenue, by competent proof, under oath, that it is not engaged or about to be engaged in any way with any other corporation or person in any of the acts or combinations, conspiracies, agreements, or in any act or conduct that is prohibited in the act entitled 'An act to protect trade against unlawful restraints and monopolies,' approved July 2, 1890, or in the act entitled 'An act to provide revenue for the Government and to encourage the industries of the United States,' approved July 24, 1897, or an act entitled 'An act to regulate commerce,' approved February 4, 1887, or this act, or any amendment of any of said acts, the said taxes of said corporation shall be remitted except 1 per cent thereof, which shall be collected and paid into the Treasury of the United States.

"SEC. —. The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is charged with and is empowered to direct and enforce the execution of this act, and the Secretary of the Treasury shall make such regulations as are needful for such purpose. All laws applicable to the collection of internal-revenue taxes by the United States, whether civil or criminal, shall apply to corporations that are taxable under this act and to their officers and directors, and to the enforcing of the provisions hereof."

These amendments should have been adopted, but you Republicans said nay, and you, unfortunately for the good of the country and the serious injury of the trusts, have the majority in both branches of Congress. I voted for the Nelson amendment providing for publicity.

It was not near perfect, but again we were denied the opportunity to add to it, but such as it was, it being "a step in the right direction," I voted for it. Now, then, we have the "Elkins bill" under consideration. Under the "special rule" just adopted by Republican votes over Democratic votes and Democratic protests, under which special rule it is impossible to amend it in letter, word, or line, no amendments being allowed, and although it falls far short of what it ought to be I shall vote for it. I do so because I shall lose no opportunity to hit the trusts a lick, and the only regret I have is that we are not permitted to amend this bill and strike them a more effectual blow.

This bill is directed at the wicked and iniquitous rebate system by which many of the trusts have prospered and fattened. I would be glad to so amend it as to shut up trust-made articles in the States where produced and forbid their shipment at all across State lines, and to deny trusts the use of the mails, the telegraph, and the telephone, and to put trust-made articles on the free list, and thus take from them the benefits of the protective tariff.

Were it permissible under the special rule of this House for the consideration of this bill I would be glad to offer those amendments, but under that rule it can not be done. The time has come when the wall of a protective tariff should be removed from around and from under these trusts. We, the Democrats, say that the tariff should be revised and reduced, but you Republicans say this must not and shall not be done. "The cloud like unto a man's hand," is appearing, however, in Republican States, and the rain is coming, and I warn you Republicans that you had better get your big umbrellas and lifeboats ere you are drowned in the flood. There is no necessity for the exorbitant taxation now imposed by the Republican "Dingley tariff bill."

Under its provisions an average tax of 50 per cent is levied. There is now in the United States Treasury, including gold reserve, $372,362,861.66, surplus money for which the Government has no immediate use, and this surplus is increasing rapidly every month. Then why not revise and reduce the taxes and leave the money among the people and in the channels of trade?

The power to collect taxes is among the highest attributes of government. It is the power that takes from the people the proceeds of their labor and industry to furnish the revenue to run the Government. The Government should collect enough money to pay its expenses and no more, and the government which is forced to collect more money than is necessary by any political party robs its own people in the name of the law. That is exactly what the Republican party has done and continues to do, because it passed the present tariff law and refuses to reduce it, and by it the people this year have been forced to pay millions upon top of millions of dollars over and above what the necessities of the Government requires.

Last year a constituent of mine asked me for certain information, and in order to get it accurately I addressed the following letter to Hon. JAMES D. RICHARDSON, the leading Democrat on the Ways and Means Committee, to wit:

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 17, 1902.

Hon. JAMES D. RICHARDSON, *City.*

MY DEAR SIR: Will you do me the kindness to write me what the average rate per cent is under the tariff laws now in force?

Also what the tax is on the following articles, to wit: Window glass, woolen clothing, hats, shoes, cups, saucers, plates, knives and forks, trace chains, steel plows, hoes, wagons, bagging and ties, gins, and cotton presses. Is there a tariff tax on the Bible? If so, what rate?

A constituent of mine asks me this, and I want to give him correct information. Your reply will be greatly appreciated.

Truly, your friend, E. S. CANDLER, JR.

Here is his reply:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 18, 1902.

Hon. E. S. CANDLER, Jr., *City.*

DEAR SIR: Your favor of 17th instant received. In reply thereto will say—

	Per cent.
Average rate under Dingley law about	50
Window glass, average in—	
1900 was	66.36
1901 was	54.87
Woolen clothing, wearing apparel—	
1900	84.38
1901	82.69
This includes hats.	
Shoes, rate is	25
Chinaware, plain white, rate	55
Knives and forks (table), from	45 to 70
Chains	46
Agricultural implements, rate	20
Iron ties (for cotton), rate about	25 to 28
Bagging for cotton, rate	12 to 14
Books, including Bible, rate	25

Your friend,

JAMES D. RICHARDSON.

These are articles which enter into the expenses of every farmer. You will notice there is a tax on the Bible of 25 per cent. The Republicans actually tax the "waybill" to heaven 25 per cent. Under this law the trusts prosper, grow, and increase like the "green bay tree."

There are 82 trusts in the United States whose aggregated capital is $4,318,005,646. The number of trusts in existence is about 800, with a capitalization of about $10,000,000,000. and if to this is added the railroad consolidations the capitalization would amount in round numbers to $15,000,000,000, and nearly all of these monster organizations have sprung into existence within the past few years. Under this protective tariff they are sheltered and prey upon our own people and favor foreigners.

The gentleman from North Carolina [Mr. POU] a few days ago in a speech on this floor said:

I have a letter from the Secretary of the Treasury in which he informs me that cotton-mill and spinning machinery is dutiable at 45 per cent ad valorem. I also have a letter from one of the leading cotton-mill men of the country, under date of September 13, 1902, from which I will quote the following:

"A carding machine can be bought in England from $375 to $400. The same machine costs in the United States from $600 to $750. Mule spindles cost in England from $1 to $1.25 per spindle. They cost in this country from $1.75 to $2.25 per spindle. Fly frames are in the same ratio. Ring spindles cost about $2 in England and about $3 in this country."

I merely mention this as one instance of discrimination.

My State, Mr. Chairman, is entering upon a great era of manufacturing. The day is not far distant when we will manufacture as much cotton as our State produces. Why permit this discrimination against us? Why allow an injustice to be done us? Why not allow our cotton-mill men to buy their machinery as cheaply as Englishmen? What necessity is there for continuing this 45 per cent tariff which the Secretary of the Treasury says exists? If you pass an antitrust bill which is worth anything nobody knows what the Supreme Court will do with it. That court may discover grave constitutional objections. But in the midst of all this dilemma we know that some relief can be given the consumer by reducing the duty upon trust-protected articles. Let us try this remedy. Republican State conventions have declared for it; common sense teaches it. You admitted it yourselves when you came in here and, in your desperation to do something, suspended the duty on anthracite coal.

In Mississippi we are building cotton factories, and I protest against this unjust discrimination.

This tax law strikes the farmer from every quarter because the first ray of light he gets in the morning is through a window glass that is taxed 66 per cent and the clock that tells him the hour to arise from sleep is protected and when he gets up he puts on his protected shirt and protected pants, sewed together with protected thread and buttoned with protected buttons. He puts on his protected shoes and ties them with protected strings. He washes his face in a protected wash pan and wipes it on a protected towel. He combs his head with a protected comb and

brushes it with a protected brush. Sits down to eat in a protected chair, eats on a protected table and table cloth, out of protected plates and dishes with a protected knife and fork. Drinks his coffee out of a protected cup, sweetened with protected sugar and stirred with a protected spoon.

Breakfast over he puts on his protected hat and takes his protected bridle and catches his horse and puts on him his protected plow gear and goes to his field and hitches him to his protected plow with his protected singletree and clevis, drawn by protected trace chains, attached to protected hames, which work on a protected collar. He hoes out his crop with a protected hoe put on a protected handle. Day's work over, he goes home and at night sleeps on a protected bedstead, on protected bedding, and covers with protected blankets. Finally he finishes his crop and hauls his corn to the crib and his cotton to the gin in a protected wagon, gins his cotton in a protected gin, run by protected machinery, presses it in a protected press, wraps it in protected bagging, binds it in protected ties, and then sells it without protection in a free-trade market. Instead of enriching them we find that taxation has devoured their gains and encumbered their lands with debt.

But the Republicans say high tariff makes high wages. Well, explain to me how it protects labor and makes high wages to tax everything the laborer wears, from the hat on his head to the shoes on his feet, as well as the beef, pork, hams and bacon, butter and lard, cheese, molasses, grapes, wheat, flour, oats, corn meal, rye, barley, potatoes, raisins, vinegar, honey, rice and rice meal, sugar, extract of meat, pickles, currants, apples, salt, and condensed milk that he, his wife, and his babies eat; the spool thread, needles, scissors, thimbles, pins, buttons, beeswax, and penknife that his wife uses, the oilcloth, furniture, curtains, stoves, tinware, knives, forks and spoons, crockery, glassware, candles, starch, soap, combs, brushes, brooms, bedclothes, clock, and books in his house, and every tool and implement he works with to make a living, with an average tax of 50 per cent on the dollar. The truth is, it does not do it. It never did, and never will, benefit anybody to force them by law to pay a tax of fifty dollars out of every hundred they make.

And it does not make wages higher either. Now, let us see if it does. The highest wages in the world are paid in Australia, and there they have partly free trade and partly low tariff. Wages are higher in free-trade England than they are in France, Italy, Germany, and Spain, all of which have protective tariffs; and in China, with its "Chinese wall" of protection, wages are lowest of all. Furthermore, if wages were controlled and governed by the tariff, wages would be the same in every State in the United States, for the tariff is the same in every State, and the same cause will produce the same effect.

Now, take the W. T. Adams Machine Company, of Corinth, Miss. Every particle of material they use is taxed and taxed high. Now, if the taxes on their material were reduced, could that company not sell its machinery at exactly the same price they do now and make exactly the same profits and still pay their employees at an advance of wages proportionate to the amount of the reductions of taxes made? Of course they could.

Well, what governs wages then, if the tariff does not? Supply and demand. Here is the whole matter in a nut shell. Where you see two men trying to employ the same man, labor is high, but where you see two men trying to hire to the same man, labor is low. In other words, where the demand is greater than the supply, labor is high, but where the supply is greater than the demand labor is low.

Then what excuse is given for continuing this high protective tariff? Well, its the old time-worn Republican excuse that it is necessary to protect home industries—infant industries—as they delight to call them, although some of the infants are about as old as this country and have accumulated billions of dollars, and are certainly the oldest infants I ever heard of and the richest infants of which I have any information, and yet the Republican party says tribute money must be paid to protect and take care of them, although most of them are gigantic monopolies and heartless trusts.

I think the time has arrived to let them "stand alone" and to stop levying tribute money by way of tariff taxes on all the people to add millions to the accumulated billions of these favored classes. Therefore, in the name of the great agricultural classes, and, in fact, in the name of every class of good American citizenship, I appeal for a revision and reduction of the taxes in order to bring relief to them, and also to strike, in my judgment, a most effective blow to the trusts. I love my country and its brave and chivalrous people. In the affairs of Government there should be no favored classes and no North, no South, no East, and no West, but one grand united country of patriotic and liberty-loving people, a sisterhood of States of equal rights and privileges, "an indissoluble Union of indestructible States," all clustered around and bearing allegiance to the Stars and Stripes.

Indeed, would to God that "the angel of peace would kiss every frown from the brow of the Republic, and the smile of approving Heaven make glad the hearts of a great and reunited people." Then we, the representatives of the people, could and would forget everything but the common good of all the people and the glory of this Republic and enact laws in the interest of all the masses of the people alike, and not in the interests of a favored class, and then the trusts would be destroyed and the people blessed. The people are "watching and waiting," and God speed the day when their deliverance will come from the oppressive thraldom of the trusts and monopolies.

Army Appropriation Bill.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 13, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904—

Mr. GROSVENOR said:

Mr. CHAIRMAN: I shall call attention to a time and to the circumstances when the effort to cast opprobrium upon the soldiers in the field in the Philippines did fail most significantly of the result intended by those who made a series of attacks upon the Army. I do not propose to enter into the discussion between the two distinguished gentlemen, the chairman of the Military Committee [Mr. HULL] and the gentleman from Tennessee [Mr. RICHARDSON]; but I have a pretty distinct recollection of a most graphic scene, an almost tragic scene, in this House of Representatives, when this question of the care of the soldiers in the Philippines was expressly and distinctly the question directly before the House, and when the attitude of the gentleman from Tennessee [Mr. RICHARDSON] and those who followed him upon that side of the House was very clearly marked.

It did strike a distinguished member of the minority at that time that somehow the criticisms of my colleague from Iowa [Mr. HEPBURN] now made were just. For I remember how Amos Cummings, of blessed memory, loyal, faithful, true-hearted American and Democrat, denounced the whole proceeding that was being led at the time, as I understood it, by the gentleman from Tennessee [Mr. RICHARDSON], and said that his right arm might be paralyzed before he would ever vote for the sustaining of the proposition which I understood the gentleman from Tennessee [Mr. RICHARDSON] to be in the lead of. So much for that.

Now, Mr. Chairman, political reminiscences and post-mortem examination of election returns and election results are not usually very profitable, and yet they enter very largely into our discussion of politics. We look backward to enable us to look forward. It is much easier to discuss the past than it is to forecast the future. It is much easier to suggest what has happened than to be absolutely assured of what is to happen.

In the early days of this session I took occasion, in reply to a speech made by the gentleman from Missouri [Mr. COCHRAN], who very vigorously assailed the Republican attitude in the campaign, to use some language which I will reproduce here as indicative of the spirit that I manifested on that occasion, and which is in the line of the spirit in which I now approach this important subject. On the 17th of December I said, among other things:

> The Democratic party in the early months of the recent campaign presented two propositions to the country about which they proposed to electrify the people. And they proposed to sweep away the Republican majority of the House, and pave the way to the immediate reorganization of the Democratic army, thus to get ready for the grand march of 1904 and the subjugation of the places of power now occupied by the Republican party. One of these propositions was the cruelty to the Filipinos as practiced by the American Army. Several tons of this literature were produced in this Capitol. A second one was to be the question of trusts. The question of imperialism faded away and the question of the overdoses of water administered to the Filipinos evaporated and there was nothing left but the trusts, and when the election was over there was nothing left of the Democratic party.

For that language—somewhat exaggerated—I was assailed in a good-natured way, to which I shall directly make reference. But first I want to defend myself for having used the language about the fading away of the Democratic party. Mr. Lincoln used to tell a story about a man who was the owner of a dog that he valued very highly. He made the mistake of administering to the dog, in place of a proper remedy for some trouble, an explosive, which in due time exploded and left but little of the dog remaining. Somebody asked the owner of the dog what he thought

about that dog now. He said, "I think he is of very little use as a dog." [Laughter.] He did not say that there was not any dog left, but he said that as a dog, for the purposes of a dog, for the general usefulness and utility of a dog, there was very little of the animal left. So inasmuch as I did not qualify my words at the time, I now tell this anecdote as illustrative of the real meaning that I had when I said there was very little left of the Democratic party.

Mr. ROBINSON of Indiana. Mr. Chairman, I understood the gentleman to speak of the fading away of the Democratic party.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. ROBINSON of Indiana. I find that the Democratic membership in the Fifty-seventh Congress——

Mr. GROSVENOR. I do not yield. I do not propose to have a lot of figures put in here.

Mr. ROBINSON of Indiana. The gentleman will not——

Mr. GROSVENOR. Oh, no; I am long on figures.

Mr. ROBINSON of Indiana. The gentleman will not object, I hope, if I interrupt him to show that the membership of the Fifty-eighth Congress has been increased from the Democratic standpoint.

Mr. GROSVENOR. Oh, I am here prepared to show you a great many things.

Shortly after the delivery of that speech, of which I was just a little proud, I was staggered in my confidence in the propriety of the speech by an interview published first in the Washington Post, and thereafter very widely published throughout the United States, made by the distinguished gentleman from Missouri [Mr. CLARK]. Everything that that gentleman says is effective. Everything he says is put in very forceful language, and the press of the country delight in reproducing his quaint, forceful, and eloquent paragraphs. Referring to my remarks, he said:

> The results of the November elections prove that the trend is toward Democracy. That we did not win the House is true, but we cut down the Republican majority by one-third.

Then he speaks of the coal strike, settled by a Republican President, but for which they would have carried the House, and coming to myself he says:

> Since the confusion of tongues on the plain of Shinar at the foot of the unfinished tower of Babel—

My friend is well posted on the confusion of tongues everywhere and the Biblical location of that unfortunate condition wherever it is spoken of in the Bible—

> there never fell from human lips a more preposterous statement than that made by General GROSVENOR in the House on December 17, in these words: "When the election was over there was nothing left of the Democratic party."
> After winning a great fight in which the losses were frightful, reviewing the field of slaughter, Pyrrhus, king of Epirus, mournfully exclaimed, "If we have such another victory we are undone!" I commend those words to my venerable, vitriolic, and jubilant friend from Ohio.

[Laughter.]

Then he proceeds to prognosticate what the Democratic party will do as to several things that I may refer to later on and I may not. Naturally, after such suggestions from so distinguished a source, I began to look over the field of politics to see what had been the result of the election. I was quite aware, Mr. Chairman, that the election of last year was one which, if it had followed the precedents of the last forty years, with few exceptions would have resulted in a Democratic House of Representatives, for it has been very seldom, going back to the close of the war and the return of the Confederate States to their representation in the House, that we have ever passed the middle of an Administration with an Administration majority in the House of Representatives.

That is to say, the Administration comes in usually with a House of Representatives favorable to the Administration, but almost invariably and with only one or two exceptions, down to the incoming of the Administration of William McKinley, have we ever had a House of Representatives in accord with the President both in the first and second Congressional elections of his Administration. So it was a caution to the people of the country; it was a suggestion to those who study the principles of elections that with these very few exceptions, which I will not specify directly now, it has been the rule that the second election in an Administration has brought an unfavorable majority in the House of Representatives. There are reasons for it which I need not discuss and which are very familiar to us all. Disappointment in matters of patronage; disappointment among the people as to Administration purposes and action upon great political questions. So I say that this has come to be an axiom of American prognostication in politics, that in the second term of an Administration there will be an adverse majority in the House.

Mr. RICHARDSON of Tennessee. Will my friend allow me a question there?

Mr. GROSVENOR. Certainly.

Mr. RICHARDSON of Tennessee. Will the gentleman tell us whether the House is now in accord with the President's recommendation as to reciprocity with Cuba? It did not seem to be in the last long session.

Mr. GROSVENOR. I will tell the gentleman a good deal about that now, or I may speak of it at some other time. There is a large supply of good material on hand.

Mr. RICHARDSON of Tennessee. This would be a good time to tell us.

Mr. GROSVENOR. The McKinley Administration had for its support and indorsement in the Congressional elections of 1898 the Spanish war, and that in a large part, no doubt, accounted for departing from the usual rule in electing a Republican majority. But when we came to the election of 1902 we met first with the ordinary rule and result, and then we were met with the determined opposition of the Democracy and the feeling throughout the country, promulgated in some part, to some degree at least, by Republicans, that the Republican majority in Congress had not done what the people expected they would do, and among other things that we had failed to agree upon the President's policy of reciprocal trade with Cuba. I admit that that was one of the disturbing elements of the campaign, and then there was the great aggregation of capital, usually called trusts, that had not been successfully assailed by any new legislation in the Congress, and there was everything that is ordinarily present in a great national campaign to suggest the probability of a Republican overthrow in the House of Representatives.

Why, Mr. Chairman, if I were going to be personal in my remarks here, I might point out that so confident were our Democratic friends of a triumphant capture of the House of Representatives that the whole battle for its organization of the new House raged with vigor and splendor during the whole of the summer—a more effective battle was made by some of our Democratic brethren in behalf of their views of the organization of the House than was made against the members of the House running on the opposite ticket. The assurance was so great that pools could have been successfully formed and sold on the forthcoming Democratic Speaker and all the various offices of the Fifty-eighth Congress.

So, when the election was over, I confessed that I felt, and I feel now, that the greatest disaster, the most unexpected, the most far-reaching disaster that had occurred to a party—Republican or Democratic—since the close of the civil war, was the result of the election last fall. Not only was it far-reaching in its effects upon the future issues in politics, but it was far-reaching in its effects upon certain candidates for high office, not in the House of Representatives, for I do not refer to that in this connection, but upon the much larger field of national politics. And so when I used the language of my December speech I was but carrying into plain language the feeling that I had had, and no study of the question has changed my mind. Of course, I became cognizant of the able statement of the gentleman from Missouri, and looked about me very cautiously and carefully to see whether I had made a mistake or not; and I concluded that I was justified in all that I said.

Many years ago it was boasted by the Democratic party and their friends throughout the country that while we had occasionally and generally the Administration, they had a majority of the governors. It has only been a very few years ago since the gentleman boasted on the floor of this House that the Democratic party controlled the administrative government of a large majority of the States of the Union. Now, look at this whole matter. I want to present to the country a statement of the real results which seem to me to have been the result of the recent November election. It was a year of isms par excellence. There was a coal strike that came of conditions that nobody quite understood, and seemed to be impossible of restraint and conclusion, and it was an off year in every respect. No great proposition looking to the future benefit of the people was in direct issue in the campaign. Our Democratic friends had presented nothing, and—I speak with entire respect—there was no issue presented by the Democratic party, and, in an off year such as that was, that is the strength of the opposition.

They were opposed to the Republican party, opposed to its Administration, opposed to its foreign policy, opposed to its domestic policy, and they offered nothing upon which the country could rely, and so the time was potent for the breaking out of socialism, of disorganism, of political hope, of wreaking vengeance upon great men, and particular combinations of men, and everything was as favorable as it was possible for it to be for the results which Democrats so eagerly sought for.

Well, the election came, and I have looked at the map, and I have studied the past in the light of the probabilities of the future. Not that I understand or claim that it is inevitable that the result of the election of last November fixed with certainty conclusively the election of 1904, but I am going to point out how the country stands, and if there is any gentleman that can get out of this

picture a hopeful view for Democracy, he is a genius in the manipulation of figures.

A long time ago, in connection with one of the great Cincinnati papers, there was a brilliant writer by the name of Bloss. He lived and wrote and flourished in the halcyon days of the Republican supremacy in Ohio and the Middle West, when every election went in favor of the Union soldier and the Republican party and every election went against the Democratic party, sometimes by smaller and sometimes by overwhelming majority; but the faculty of that brilliant man was this, that some time within the course of a week or two weeks, and sometimes under the stress of great occasions it would be a month, but in the end an editorial would appear pointing out how hopeful the situation was for the Democratic party. The hour was never so dark, the figures never so colossal, that out of it he could not extract some grain of comfort and consolation; and it became a proverbial expression that it was a Blossism when you boasted of how you escaped from an overwhelming disaster in politics. And I commend to gentlemen who have been conspicuous in showing this characteristic of the Democratic party, which has been maintained so long, a study of the situation in the United States with direct reference to its future.

Starting in at Maine on the extreme northeast, the home of true Republicanism and at the same time the place where the first budding of Democratic power in the spring of the year always finds a lodgment, that State elected 4 Republican Representatives in Congress and gave a total of 110,000 votes for the Republican ticket, giving a greater Republican majority than the average has been from the close of the war down to the present time. And Vermont came next—indeed, came first—with 69,000 votes and an overwhelming Republican majority. New Hampshire gave 79,000 Republican votes, elected her Congressional ticket, and will elect 4 Republican electors in the coming Presidential year. Connecticut cast 159,000 votes, and gave a tremendous majority for the Republican party, elected 5 Congressmen, and will elect 7 members of the electoral college in 1904. She gave a larger majority than had been dreamed of by the most enthusiastic Republican, and over against the confident prediction of the Democrats of the country that if they did not carry the gubernatorial election they would at least elect 3 members of the House.

Now, coming to Rhode Island: We have found reason for great cause of cheerfulness on the part of the Democrats, and my friend from Missouri speaks of it as a "revolution." He says, "The revolution in Rhode Island and the reduced Republican majorities generally in the Eastern States show that Republicanism is on the down grade." By some means or other, while the entire Republican ticket of the State, with one exception, was elected by a large majority and both branches of the legislature were strongly Republican, the election in a single district in the State resulted in a small majority for a Democratic candidate for Congressman. Shorn of his strength by the political power of the representatives of the State, the Democratic candidate for governor stands alone, a warning to the factions that have taken part in the factional fight in Rhode Island. They elected one Democrat. I think it would be safe to quote the language of the distinguished gentleman who quotes from another, that "another victory like that would destroy the last hope of the Democracy in Rhode Island."

Massachusetts gave a vote of 398,000 and elected 10 Republican members of the House of Representatives and 4 Democratic Congressmen, one of whom had no right to be elected as far as the politics of his district were concerned. And Massachusetts will elect 16 Presidential electors in 1904.

Now, coming to New York, there seems to be a hopeful view to the gentleman from Missouri of the situation. New York gave a Republican majority of only about 8,000 for the head of the State ticket, the total vote being 1,389,799. But she elected 20 Republican Congressmen against 17 Democratic Congressmen; and her electoral vote will be 39. New York was the place where the evil of the coal strike told heavily upon the Republican party. I need not refer to the circumstances surrounding the situation in New York, and surrounding the men who were held by the public to be responsible for the condition in the country. But if in 1902, with all those conditions favorable, and some question about the attitude of New York in 1904, the Democrats could not carry that State and could not elect a majority of the members of Congress, what force is there in the remark of my distinguished friend from Missouri when in his winding-up paragraph he states that the issues of 1904 will be the reiteration of the principal features of the Chicago platform.

Mr. FITZGERALD. Is the gentleman aware that under a very partial apportionment the Democrats gained five Representatives in the State of New York, and reduced a Republican majority of 110,000 in 1900 to 8,500 in 1902? I commend to the gentleman a careful analysis of those facts.

Mr. GROSVENOR. The elections in New York are not always logical.

Mr. FITZGERALD. If they were we would now have a Democratic governor.

Mr. GROSVENOR. I remember that not very many years ago New York went either Democratic or close to it, and within two years afterwards gave McKinley somewhere in the neighborhood of 175,000 majority. New York generally is in line when she is needed, but after a while I will try to show my friend from New York that New York has lost her place as the Empire State in the great column of political power in the United States.

Mr. FITZGERALD. I am glad to know that the gentleman's party is casting its eyes outside of New York for its power.

Mr. GROSVENOR. If I only knew, now, whether my friend belonged to that wing of the Democratic party which proposed in its platform in New York to take possession of the coal mines of the country and run them—whether he is a David B. Hill Democrat or some other kind of a Democrat—I would know better how much force to give to his remarks.

Mr. FITZGERALD. I would answer that if the gentleman from Ohio will let me know whether he is a "stand-pat" Republican on the coal question. [Laughter and applause on the Democratic side.]

Mr. GROSVENOR. I am a "stand-pat" Republican on every question. [Applause and laughter on the Republican side.]

I next come to New Jersey, the home and hope of Democracy, the State about which, in election years, the Democratic party is cheerful always in warm weather and sad always in cold weather. There were seven Republican Congressmen elected and three Democratic Congressmen, and I have not heard any complaint of any sort of gerrymandering there.

Delaware elected a governor. I do not know whether he is a Democrat or a Republican. I do not know whether he is an Addicks man or an anti-Addicks man.

Mr. CLARK. They did not elect any governor.

Mr. GROSVENOR. Oh, yes; they did. My friend must get posted now.

Mr. CLARK. Why, the Democrats elected a Congressman and the Republicans elected a secretary of state.

Mr. GROSVENOR. I have the certificate of the secretary of state in my hands. They did elect a governor.

Mr. CLARK. Well, in these books where they give the figures it puts it on the secretary of state, but it does not make any difference.

Mr. GROSVENOR. It does not make a particle of difference. There were only 38,000 votes cast on the head of the ticket, about half as many as there are cast in my Representative district. There was a Democratic Congressman elected there, but he did not get a majority of the votes or anywhere near it.

Mr. CLARK. He got the certificate all the same. [Laughter.]

Mr. GROSVENOR. No doubt of that; and so I will say to my friend, as he is getting a little bit special and personal on this question, that out in the State of Missouri where he lives, where we gave 48 per cent of the total vote for McKinley, and where we had a big rally and rustle in the fight of this year, the Republicans succeeding in electing one member of Congress and have another in doubt, and yet the gentleman from Missouri, I presume, when he comes to speak again, will talk about what the gentleman from New York [Mr. FITZGERALD] has—an unfair apportionment of the State.

Pennsylvania was hopeful ground.

Mr. THAYER. It always is.

Mr. GROSVENOR. More hopes were expressed by the Democrats of the country as to Pennsylvania than to any other State in the Union. They were on praying grounds and interceding terms from the beginning of the campaign down to its close. The strike was there, turmoil was there, disorder was there, faction raged there, and yet out of 28 members of the House of Representatives the Democrats elected but 4.

Mr. THAYER. They would have elected more if they were needed.

Mr. GROSVENOR. And my friend says they would have elected more if they had been needed. Well, a man born to Congress out of due time in a Congressional district in Massachusetts ought not to say anything about a little matter of that sort. [Laughter.] A Republican majority of one hundred and fifty thousand and odd in the State of Pennsylvania showed our Democratic friends how slim were their hopes.

Maryland. Maryland had received the touches of that political artist who is always anxious that men shall have full privilege to vote if they will vote his ticket, and no privilege to vote if they vote against him; and so, after disfranchising some 18,000 voters in the State of Maryland, everything was hopeful and happy. After a most delightful gerrymander by the Democratic legislature at its session in the winter of 1902, we lost only two Republican members of the House and carried the State by a large majority on the head of the ticket. That is a pretty good record, and there is no hope for Democracy in a State that rallies against a disfranchisement like that.

West Virginia was another one of those hopeful States. The prognosticators said they were going to elect four and possibly five, certainly not less than three, members of the House, and yet when the returns came in they showed there could not have been much gerrymandering down there, for we elected every one of the Congressmen, with a large majority for the head of the ticket.

Ohio. As usual, Ohio was not exactly hopeful ground. The Democrats did not expect that they would elect the head of the ticket in Ohio, but they were to cut it down to such an extent that a certain great Democratic leader, who had usurped the machinery of the party and run it to suit himself, was to make such a demonstration of power that he should inevitably, in the language of my friend from Missouri in the very eloquent interview which he gave during the campaign and which was widely published in Ohio, be reelected mayor, then governor, then President. Mr. Bryan came into the State and predicted that Tom L. Johnson would first be governor and then would become a winning candidate for the Presidency. The campaign started slowly, ran rather tamely, and in the end we gave the head of the ticket a majority of 91,000—far above the average of all our best years—and elected the same old number, 17, to the House of Representatives, giving to our Democratic brethren 4, and there will be 23 electoral votes there two years hence.

Michigan elected 11 Republican members of Congress.

Now, I come to Indiana, the former home of the great Democratic leaders of the Middle West, the State where hope springs eternal in the Democratic breast. In the early part of the campaign nobody in the Democratic party doubted that they were going to carry that State. It was to be the significant result of the year. The campaign opened with great vigor on both sides and was prosecuted with great effect, and the result of it was that we carried the State by 15,000 greater majority than we carried it for William McKinley in 1900. There is where the gains are coming from. We took a State that heretofore had been considered a doubtful State and carried it beyond the hope, beyond the dream of the most enthusiastic Democrat for two years hence, and elected nine Congressmen and will get 15 electoral votes at the proper time.

Mr. LINDSAY. Why don't you say what the result in New York will be?

Mr. GROSVENOR. The State of New York will give 50,000 Republican majority in 1904. Illinois is a great State, with a tremendous vote, with a great city, where labor questions, strike questions, and every possible complication of politics crowd upon the political parties, and while the campaign was in progress no man living expected a great Republican victory there, yet we carried the State by an increased majority, and elected 17 Republican members of Congress.

In Iowa there was some little disturbance about almost abstract questions of difference between leaders and factions of the Republican party, and hope again rose in the breasts of the Horace Boies of the State, and a great battle waged. And yet we carried every Republican district except one, and carried the State by a very large majority, larger than the average of the off-year majorities.

We are moving westward now, where the star of empire long ago took its way, and where the great battle of 1904 is to be fought out and won.

Kansas, with 98 counties, a large majority of which had been Democratic, where Populism cast its political blight upon the people of that State, and where at one time we had a large majority of Populistic-Democratic members—in that State they did not elect a single man, and we elected eight and carried the State by an overwhelming majority. Nebraska followed.

In Wisconsin, where there was turmoil, where there was contention, where there was doubt, we carried every Congressional district but one and elected La Follette by a great majority and carried the legislature by such a majority as assured the election of their great leader, Senator SPOONER, to a new term in the Senate. [Applause.]

Now we are getting out where there have been doubtful States and doubtful districts. There are none there now.

In North Dakota, represented since I have been here by Democrats, we carried the State by a large majority, elected a Representative to the House, and will elect her Senator. South Dakota elected both Republican Congressmen, elected the governor by a large majority, and gave positive assurance she is as firmly rooted and grounded in the Republican party as Maine, Vermont, or Ohio. Minnesota. Minnesota, where there has been division; Minnesota, where there has been a fight; Minnesota, where the merger was an issue; Minnesota, the representative of independent voters, of independent men—men who study politics as a science and vote conscientiously their convictions—gave an overwhelming majority to the Republican party and elected all but one of her Republican Representatives. Montana, that had been supposed to be wholly lost to Republicans, caught the infection of protection to her great products, caught the air that was driving across the great Northwest, and elected the Republican head of the ticket, elected a Republican Congressman, and well-nigh carried the legislative ticket to a successful issue. Nevada cast 11,318 votes, about one-third of the vote of my Congressional district. She elected a Democratic Congressman, and will possibly—not probably, just possibly—elect the three electoral votes Democrat, Populist, or some other variety that may present itself in 1904. Utah, Republican by a large majority. Idaho, where the labor troubles were, where we were almost hopeless, where the Democrats were more than confident, went with the tide that swept from ocean to ocean, reelected the Republican governor, elected the legislature, and has already elected a Republican Senator to take his seat on the 4th of the coming March. Nebraska, the home of Populism, the sister in distress with Kansas, the sister in all kinds of troubles and travails of the great issues that grew out of Populism that had absorbed the Democratic party, that State which is represented in the present Congress by four Democrats will be represented by one Democrat in the next Congress, and he elected not because his State had not gone overwhelmingly Republican and elected a Republican legislature and a Republican governor, but because of an unfortunate factional contest in the city of Omaha. Oregon, faithful and true, early in June elected her Congressmen and carried the State with the exception of a factional disturbance upon the office of governor, elected her other officers, all Republicans, all the State ticket, and is as firmly in line as the State of Vermont. Wyoming, true to her ancient belief, elected her Congressman and carried the State by a large Republican majority. California, where it was hoped the labor troubles were to work some great things for the Democratic party, elected the State ticket by an overwhelming majority, and five out of eight Representatives here are Republicans. It is true that we lost two.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I would like about ten minutes more.

Mr. HULL. I yield ten minutes more to the gentleman.

Mr. CLARK. How much time do you want?

Mr. GROSVENOR. I have got all I want, thank you. Very much obliged to you. The gentleman yielded ten more minutes to me.

Mr. Chairman, this is a map of the country. I shall say nothing in connection with any section of my country. My country is exactly what its people have made it, and her various sections are affected by the faithfulness or nonfaithfulness to duty of her constituents. South of Masons and Dixon's line I have not prepared the vote. I do not think I will. I do not care to put in the CONGRESSIONAL RECORD how it was that in 1902, in a great national contest, one State in the South, and others in the same ratio, elected six members to the House of Representatives by an aggregate vote for and against the whole six of them less than the vote cast for me and against me in my Congressional district.

I simply pause here, Mr. Chairman, to say that it is an unfortunate and forbidding condition of things. A State where the voters have abandoned the political power of the State to somebody else, to some organization or some machinery, is not a State that I think is living and coming up to the behests of American judgment. Of all the States which I have referred to as probably going Republican in 1904, I am unable to find one of them where there is a weak spot. Had the election been held last November for Presidential electors, the Republicans would have elected 310 and the Democrats would have elected 166. Three hundred and ten to 166; and yet my friend from Missouri says that one more such victory as that and we are destroyed. Did not he mean to say that one more such stride as that would leave the Democratic party without representation? Was it not that?

Now, my friend from New York who interrupted me first spoke of the hopefulness of the New York condition for 1904. I shall not discuss that question with him, for it is, in my view of the case, utterly unimportant. You may take Connecticut, which you can not get; New York, which you think is a possibility; New Jersey, which no man believes you can carry, and Indiana, which is hopelessly out of your reach, and then you will be whipped to death. What do you think of that?

Mr. FITZGERALD. I think the gentleman from Ohio, considering his years, has more enthusiasm than anybody I ever met in my life. [Laughter on the Democratic side.]

Mr. GROSVENOR. If my young friend from New York keeps on in the same ratio that he has begun until he arrives at my age he will be a dandy in that respect. [Laughter on the Republican side.]

Mr. FITZGERALD. If I keep on in the ratio that the gentleman from Ohio has until I am as old as he, the world will never see my like again.

Mr. GROSVENOR. I hope the gentleman may reach all the hopes that he has of himself and those of his friends. Now, in the few remaining moments that are left to me, I want to say that

take every doubtful State; take every possible State, my friend from Missouri; take every State which you in your great enthusiasm believe there is a possibility you may carry, and then there is left enough upon the record of 1902 to win a splendid Republican victory for the members of the Republican party. I will not spend the time now to refer to the enthusiastic statement of the gentleman that they are going to reenact all the principles that are worth having of the Chicago and Kansas City platforms. This is what he says:

The Democrats will reaffirm all the essential features of the Chicago and Kansas City platforms.

If I only knew what the gentleman from Missouri means by his "essential" I would understand exactly what that platform is to be. He says it is to be all that are essential, and, among other things, they are going to have a battle on the triple proposition of destroying the trusts, reducing the tariff rates to a reasonable basis, and curtailing the public expenses to the needs of the Government economically administered.

Where the great gold States of New York, Pennsylvania, and all the East is to be when free silver and free trade and anticourt and all that sort of thing are to be reenacted as essential principles of the Democratic party we shall live, I hope, to see. The men who have fought each other for six long years will come together, the East surrendering to the West, and reenact all the essential principles of that platform, and it is the essential principles of that platform which have made the results I have referred to impossible. The efficacy of the Democratic division upon every one of these questiens will go forward until the rebound will come eastward from the Pacific slope and swallow up, not alone all the States to which I have referred, but the gentleman from Missouri will have a picnic of a time in 1904 to save the electoral vote of his own State where it can not be gerrymandered into Congressional districts. [Applause.]

Naval Appropriation Bill.

SPEECH

OF

HON. EDWARD MORRELL,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 19, 1903,

On the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes.

Mr. MORRELL said:

Mr. SPEAKER: I am so firmly of the opinion that the new antitrust legislation, some of which places judicial powers in the hands of an executive department and some of which requires and compels persons to become witnesses against themselves and to produce their books and papers for inspection, is unconstitutional and can not be enforced that I desire again to urge the importance of what has been done for the enforcement of the older acts of 1887 and 1890, by placing sufficient means for their enforcement in the hands of the Attorney-General, and to enter my protest against the mischievous nature of experimental legislation. At the beginning of the session I introduced a joint resolution with a view to holding up the hands of the Department of Justice. I have on every occasion advocated the adoption of that resolution or some other which would effect the same object. Congress finally passed an act with a rider to enable the Department of Justice to carry into execution the laws of 1887 and 1890. I want my own record on this subject to be known beyond any question.

On a former occasion, while urging the importance of making a special appropriation for the enforcement of the antitrust laws, I called attention to the defect of certain proposed legislation, which has since been carried into actual legislation as section 5 of the act creating the Department of Commerce and Labor, and is now known as the "publicity" enactment. That section establishes a Bureau of Corporations, of which the chief shall be called the "Commissioner of Corporations," with inquisitorial powers.

And, as the law now stands, its language is:

(1) There shall be in the Department of Commerce and Labor a bureau to be called the "Bureau of Corporations," and a "Commissioner of Corporations," who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of $5,000 per annum. There shall also be in said bureau a deputy commissioner, who shall receive a salary of $3,500 per annum, and who shall in the absence of the Commissioner act as, and perform the duties of, the Commissioner of Corporations, and who shall also perform such other duties as may be assigned to him by the Secretary of Commerce and Labor or by the said Commissioner. There shall also be in the said bureau a chief clerk, and such special agents, clerks, and other employees as may be authorized by law.

(2) The said Commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination engaged in commerce among the several States and with foreign nations, excepting common carriers subject to "An act to regulate commerce," approved February 4, 1887, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce and to report such data to the President from time to time as he shall require; and the information so obtained or as much thereof as the President may direct shall be made public.

(3) In order to accomplish the purposes declared in the foregoing part of this section the said Commissioner shall have and exercise the same power and authority in respect to corporations, joint stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission in said "Act to regulate commerce" and the amendments thereto in respect to common carriers so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses, and the production of documentary evidence, and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said "Act to regulate commerce," and by "An act in relation to testimony before the Interstate Commerce Commission," etc., approved February 11, 1893, supplemental to said "Act to regulate commerce," shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

(4) It shall also be the province and duty of said bureau, under the direction of the Secretary of Commerce and Labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

Notice that the second clause of this act gives to the Commissioner of Corporations, in respect to all private corporations engaged in interstate or foreign commerce, precisely the same power and authority which the law of 1887 confers upon the Interstate Commission. It does not define that power and authority directly, but by reference to another law. We must hunt out the meaning of the new act by turning to the statute books of the last century. It is of interest, therefore, to ask what are the inquisitorial powers of the Interstate Commerce Commission? Section 20 of the act of 1887 provides:

That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the number of employees and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business, and from all sources; the operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet.

This provision, then, is made a part of the second clause of the new act, by reference and adoption. It is, in my judgment, unconstitutional and void, as I hope to demonstrate.

The third clause of the act also adopts by reference, as applicable to all corporations engaged in interstate or foreign commerce, the provisions of the act of February 11, 1893, entitled "An act in relation to testimony before the Interstate Commerce Commission," and provides that those provisions "shall apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence. This is also, in my judgment, unconstitutional and void.

These two clauses of the new act come into plain conflict with the fourth and fifth amendments of the Constitution of the United States which provide that "the right of the people to be secure in their houses, persons, papers, and effects against unreasonable searches and seizures, shall not be violated," and that "no person shall be compelled in any criminal case to be a witness against himself." The bearing of these two constitutional safeguards upon legislation by Congress has been thoroughly considered and explained by the Supreme Court of the United States in four cases, to which I wish to call the attention of the House. I refer to Boyd *v.* The United States, 116 U. S., 616; Wilson *v.* The United States, 149 U. S., 60; Pong Yuen Ting *v.* The United States, 149 U. S., 698, 739; and Monongahela Navigation Company *v.* The United States, 148 U. S., 312, 336.

I have on a former occasion referred to Boyd's case, which was decided February 1, 1876. The Supreme Court of the United States there examined a statute precisely analogous in principle to the sixth section of this new act. An act of Congress approved June 22, 1874, to amend the revenue laws had authorized any court of the United States in revenue cases, on motion of the Government attorney, to "require the defendant or claimant to produce in court his private papers, books, and invoices," and had also provided that "unless this requirement were complied with the allegations of the Government attorney should be taken as true."

This was declared to be unconstitutional and void as being repugnant to the fourth and fifth amendments of the Constitution. Justice Bradley, delivering the opinion of the court, said:

In regard to the fourth amendment, it is contended that whatever might have been alleged against the constitutionality of the acts of 1863 and 1867, that of 1874, under which the order in the present case was made, is free from constitutional objection, because it does not authorize the search and seizure of books and papers, but only requires the defendant or claimant to produce them. That is so, but it declares that if he does not produce them the allegations which it is affirmed they will prove shall be taken as confessed. This is tantamount to compelling their production, for the prosecuting attorney will always be sure to state the evidence expected to be derived from them as strongly as the case will admit of. It is true that certain aggravating incidents of search and seizure, such as forcible entry into a man's house and searching amongst his papers, are wanting, and to this extent the proceeding under the act of 1874 is a mitigation of that authorized by the former acts, but it accomplishes the substantial object of those acts in forcing from a party evidence against himself. It is our opinion, therefore, that a compulsory production of a man's private papers to establish a criminal charge against him or to forfeit his property is within the scope of the fourth amendment to the Constitution in all cases in which a search or seizure would be, because it is a material ingredient and effects the sole object and purpose of a search and seizure. * * *

Is such a proceeding for such a purpose an "unreasonable search and seizure" within the meaning of the fourth amendment of the Constitution, or is it a legitimate proceeding? * * * We do not find any long usage or any contemporary construction which would justify any of the acts of Congress now under consideration. * * * The act of 1863 was the first act in this country, and, we might say, either in this country or in England, so far as we have been able to ascertain, which authorized the search and seizure of a man's private papers, or the compulsory production of them, for the purpose of using them in evidence against him in a criminal case, or in a proceeding to enforce the forfeiture of his property. Even the act by which the obnoxious writs of assistance were issued (13 and 14 Car. 2, c. 11, sec. 5) did not go as far as this, but only authorized the examination of ships and persons found therein for the purpose of finding goods prohibited to be imported or exported on which the duties were not paid, and to enter into and search any suspected vaults, cellars, or warehouses for such goods.

The search for and seizure of stolen or forfeited goods or goods liable to duties and concealed to avoid the payment thereof are totally different things from a search for and seizure of a man's private books and papers for the purpose of obtaining information therein contained or of using them in evidence against him. The two things differ in toto coelo. In the one case the Government is entitled to the possession of the property; in the other, it is not. * * * In the case of stolen goods the owner from whom they were stolen is entitled to their possession, * * * whereas by the proceeding now under consideration the court attempts to extort from the party his private books and papers in order to make him liable to a penalty or to forfeit his property.

After an elaborate discussion of the events and controversies relating to writs of assistance and seizures in libel cases Justice Bradley quotes from the celebrated opinion of Lord Camden, delivered in 1763, which is reported at length in 19 Howell's State Trials, page 1029, as follows:

Papers are the owner's goods and chattels; they are his dearest property, and are so far from enduring a seizure that they will hardly bear an inspection; and though the eye can not by the laws of England be guilty of a trespass, yet where private papers are removed and carried away the secret nature of those goods will be an aggravation of the trespass and demand more considerable damages in that respect. Where is the written law that gives any magistrate such a power? I can safely answer, there is none. * * * There is no process against papers in civil cases. It has often been tried, but never prevailed. * * * In the criminal law such a proceeding was never heard of, and yet there are some crimes, such, for instance, as murder, rape, robbery, and housebreaking, to say nothing of forgery and perjury, that are more atrocious than libeling. But our law has provided no paper search in these cases to help forward the conviction. Whether this proceedeth from the gentleness of the law toward criminals or from a consideration that such a power would be more pernicious to the innocent than useful to the public, I will not say.

After discussing Lord Camden's opinion, the court add:

It is elementary knowledge that one cardinal rule of the court of chancery is never to decree a discovery which might tend to convict the party of a crime or to forfeit his property. And any compulsory discovery by extorting the party's oath, or compelling the production of his private papers and books, to convict him of a crime, or to forfeit his property, is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purposes of despotic power, but it can not abide the pure atmosphere of political liberty and personal freedom. * * *

As suits for penalties and forfeitures incurred by the commission of offenses against the law are of a quasi-criminal nature, we think that they are within the reason of criminal proceeding for all the purposes of the fourth amendment of the Constitution and of that portion of the fifth amendment which declares that no person shall be compelled in any criminal case to be a witness against himself; and we are further of the opinion that a compulsory production of the private books and papers of the owner of the goods sought to be forfeited in such a suit is compelling him to be a witness against himself, within the meaning of the fifth amendment of the Constitution, and is the equivalent of a search and seizure, and an unreasonable search and seizure, within the meaning of the fourth amendment.

The opinion of the court in that case covered 22 pages. It is an exhaustive and convincing argument against the validity of any such measure as that which is embraced in the sixth section of the act establishing the new Department of Commerce; but even if the opinion of the court in Boyd's case be left out of the question entirely, there are still other decisions which, as I have already said, would render the work mapped out in the act for the Bureau of Corporations abortive. Nor is this all. There is also a statute which destroys the effectiveness of the new law, and one which can not be rendered ineffective by the later law without violating the fifth amendment to the Constitution. I refer to the act of March 16, 1878 (20 Stat. L., p. 30, ch. 37), which applies to all "complaints and other proceedings" against persons charged with the commission of crimes, offenses, and misdemeanors in United States courts and in "courts of inquiry," and provides that "the person so charged shall, at his own request, but not otherwise, be a competent witness; and that his failure to make such request shall not create any presumption against him."

The construction put upon this statute by the Supreme Court of the United States in the case of Wilson *v.* United States is such as to make it impossible for the new Commissioner of Corporations to require, under the authority given him, any such sweeping reports as those described in section 20 of the interstate-commerce act of 1887. I shall refer to that Wilson case again further on. The common carriers from whom such reports may be required are quasi-public corporations, and Congress has the power to require such reports from them on the same principle that it may require persons engaged in the production of articles subject to excise taxes to produce their books and papers for inspection, or may require aliens to produce whatever evidence it likes in certain cases. But strictly private corporations stand upon the footing of private citizens and can not be so "required" to disclose their private affairs. Consider the meaning of the word "require." According to Webster's Dictionary it means: "To demand; to ask as of right and by authority; to claim; to render necessary, as a duty or anything indispensable."

The word does not signify a mere request, but it has a mandatory force and implies coercion in case the requirement is disregarded. How and by whom is such coercion to be applied? The Commissioner of Corporations shall (not may, but shall) apply it in the manner provided for in section 20 of the interstate-commerce act. He "shall have and exercise the same power and authority in respect to corporations, joint stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission * * * in respect to common carriers, so far as the same may be applicable." This section also includes the right to issue subpœnas and compel attendance and testimony, and the production of documentary evidence, and it provides that the plea of incrimination will not excuse a witness from testifying.

Mr. Speaker, I have referred to the case of Wilson against The United States (149 U. S., 60). That case was decided April 17, 1893, and well illustrates one point of my present argument. It was a case in which the defendant, Wilson, was indicted for violating an act of Congress prohibiting the use of the mails for giving information when and by what means obscene publications might be obtained. He did not request to be a witness or offer himself as such, and the district attorney commented on that fact. Wilson was convicted and sentenced, but the Supreme Court of the United States reversed the judgment of the district court and remanded the cause, with directions to award a new trial on the ground that the statute of March 16, 1878, had been violated by the failure of the trial court to exclude from the jury all comment upon the fact that the defendant had not requested to become a witness in his own behalf.

As will be remembered, the act of 1878 provides that the defendant "shall at his own request, but not otherwise, be a competent witness; and his failure to make such request shall not create any presumption against him." If, then, the defendant does not request to be made a witness, he is not competent. He could not under the Constitution be compelled to be a witness. The fifth amendment protects him to that extent. And the statute of 1878 was framed with a due regard to those who might prefer to rely upon the presumption of innocence which the law gives to everyone; for in no case, according to that act, shall the failure of anyone to request to be a witness create any presumption against him. How different is the spirit of this new anti-trust law. It gives the Commissioner of Corporations "power and authority * * * to compel persons to attend as witnesses, to testify, and to produce documentary evidence."

I have already shown that it is unconstitutional to "require" persons to do such things. What is the difference between requiring and compelling? Compel means "to drive or urge with force; to constrain; to oblige; to coerce." This is the definition given by the Century Dictionary. The same authority says that "require" means "to ask or claim as of right and by authority; to demand; insist on having; exact; to render necessary or indispensable." And this agrees with the definition given by Webster, which I have already quoted. I repeat, then, if you can not require a man to do a thing, how much less can you compel him to do it? For, clearly "compel" is a stronger term than "require." And if Congress can not constitutionally either require or compel any citizen of the United States to be a witness against himself or to produce his private "papers and effects" in any court where such production might directly or indirectly subject him to a penalty of any kind or to a forfeiture of any part or his property; if the corporations are to be competent to make reports, and thus

become witnesses, only upon their own request, and if their failure to make such request shall not create any presumption against them, of what possible utility is all this antitrust legislation?

Finally, Mr. Speaker, I desire to call particular attention to the Chinese-exclusion cases decided by the Supreme Court of the United States, May 15, 1893 (149 U. S., 698 to 763). In that case the court upheld the act of May 5, 1892, requiring all Chinese laborers within the United States at the time of its passage, "and who are entitled to remain in the United States," to apply within one year to a collector of internal revenue for a certificate of residence; and providing that anyone who does not do so, or is afterwards found in the United States without such a certificate "shall be deemed and adjudged to be unlawfully in the United States" and may be arrested by any officer of the customs, or collector of internal revenue, or marshal, or the deputy of either, and taken before a United States judge, who shall order him to be deported from the United States to his own country, unless he shall clearly establish to the satisfaction of the judge that by reason of accident, sickness, or other unavoidable cause, he was unable to procure his certificate, and "by at least one credible white witness," that he was a resident of the United States at the time of the passage of the act.

But the constitutionality of the act was denied by the Chief Justice and Justices Field and Brewer. And the majority of the court placed their opinion upon the ground of the inherent sovereignty of every nation, according to the principles of international law, to forbid the entrance of foreigners into its dominions or to admit them only in such cases and upon such conditions as it may prescribe. (See 149 U. S., 705, citing 130 U. S., 581, 603, and 142 U. S., 651, 659.) And on the authority of Vattel the court declared that the nation also has the right to send foreigners elsewhere, if it has just cause to fear that they will corrupt the manners of the citizens, that they will create religious disturbances, or occasion any other disorder contrary to the public safety; in a word, that it has the right, and is even obliged, in this respect, to follow the rules which prudence dictates. (149 U. S., 708.)

The court then cites the constitutional grant of power to Congress to regulate commerce with foreign nations, including the entrance of ships, the importation of goods, and the bringing of persons into the United States; and also cites the power to establish a uniform rule of naturalization and the sweeping clause which gives to Congress the power to make all laws necessary and proper for carrying into execution these powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof. (149 U. S., 712.) And the court therefore held that—

> The power to exclude or to expel aliens, being a power affecting international relations, is vested in the political department of the Government, and is to be regulated by treaty or by act of Congress, and to be executed by the executive authority according to the regulations so established, except so far as the judicial authority has been authorized by treaty or by statute, or is required by the paramount law of the Constitution, to intervene. (149 U. S., 713.)
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> The power to exclude aliens and the power to expel them rest upon one foundation, are derived from one source, are supported by the same reasons, and are in truth but parts of one and the same power.
>
> The power of Congress, therefore, to expel aliens, like the power to exclude aliens, or any specified class of aliens, from the country, may be exercised entirely through executive officers; or Congress may call in the aid of the judiciary to ascertain any contested facts on which an alien's right to be in the country has been made by Congress to depend. (149 U. S., 713, 714.)

Mr. Speaker, I am ready to concede that Congress may with respect to aliens exercise its powers entirely through executive officers without the intervention of the judiciary; and I believe that our laws of alienage and our immigration and naturalization laws ought to be more stringent than they are; but I can never concede to Congress the right to exercise through a commissioner of corporations or through other executive officers the powers enumerated in section 6 of the act to establish a Department of Commerce and Labor.

The persons affected by that section are not aliens, but citizens of the United States or of the several States—citizens living under the protection of the fourth and fifth amendments of the Constitution. And in order to prove that the reasoning of the court in respect to aliens under the right of Congress to regulate foreign commerce was not intended to apply to citizens under the power to regulate interstate commerce, so far as to allow an inquisitorial tribunal to be set up in an executive department, and clothed with the tremendous and dangerous powers conferred by the new act on the Commissioner of Corporations, I call attention to another decision rendered only a short time previous to that above quoted.

In the case of Monongahela Navigation Company *v.* United States (148 U. S., 312, 336) the court said:

> Like the other powers granted to Congress by the Constitution, the power to regulate commerce is subject to all the limitations imposed by that instrument, and among them is that of the fifth amendment we have above quoted. Congress has supreme control over the regulation; but if, in exercising that supreme control, it deems it necessary to take private property, then it must proceed subject to the limitations imposed by the fifth amendment, and can take only on payment of just compensation,

If Congress could authorize the Commissioner of Corporations to violate the Constitution in respect to unreasonable searches and seizure of the books, papers, and effects of the citizen, or could require or compel him to be a witness against himself, it could as properly authorize him to take any citizen's private property for public use without any compensation whatever. It could as rightfully authorize him to administer torture for the purpose of extracting evidence to be used against himself or his family or his business partners. If Congress could do any one of these things the guaranties of "life, liberty, and property," named in the Constitution as belonging to the people, would be theirs by sufferance only and not of right.

Mr. Speaker, this new legislation is obnoxious to the very criticism which Justice Bradley, speaking for the court in Boyd *v.* United States (116 U. S., 616, 635), pronounced against the violation of the fourth and fifth amendments then complained of:

> Illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful of the constitutional rights of the citizen, and against any stealthy encroachments thereon. Their motto should be obsta principiis.

Mr. Speaker, who will doubt, after examining the cases to which I have referred, that the Supreme Court will declare section 6 of the act to create the Department of Commerce unconstitutional? And if it should do that, who will doubt that it would also pronounce unconstitutional the following clauses of "the act to further regulate commerce with foreign nations and among the States," known as the Elkins antirebate law:

> Every person or corporation who shall offer, grant, or give or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000. * * *
>
> That in any proceeding for the enforcement of the provisions of the statutes relating to interstate commerce, whether such proceedings be instituted before the Interstate Commerce Commission or be begun originally in any circuit court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

The House Committee on Interstate and Foreign Commerce, in their report (No. 3765) to accompany the bill (S. 7053) which became the law in question, on pages 5 and 6 of their report, explained the meaning of those parts of the bill and the intention of Congress, as follows:

> Second. The existing law prohibits rebates and discriminations, but does not prevent the cutting of published rates unless discrimination is shown. In most cases it is practically impossible to show the discrimination. In the investigations made by the Interstate Commerce Commission respecting rates on dressed beef and packing-house products from Kansas City and Chicago, it was finally discovered that for years the railroads had constantly and habitually disregarded their published tariffs and had carried such products at rates below the published tariff to an amount so great that the difference between the published tariff and the actual rate amounted to millions of dollars a year, and it was the unanimous testimony that all the shippers who were interested in those rates got practically the same rate. There was, therefore, no discrimination between the shippers, and no shipper was liable to prosecution for obtaining a rate which discriminated in his favor. But the effect of such secret cutting of rates is to place in the hands of a small aggregation of shippers the absolute control of the business, because no person can afford to enter into competition who does not receive the cut of rates, and no person is in a position to demand or receive such cut until after he shall have become established in business and have an extensive business behind him.
>
> The bill which we recommend provides a penalty, by fine of not less than $1,000 nor more than $20,000, against any person or corporation which shall give or receive any rebate, concession, or discrimination in respect of the transportation of property whereby such property shall be transported at a less rate than that named in the tariffs published and filed in accordance with the interstate-commerce law. This provision makes it a penalty against the railroad company to give to anyone a rate less than the published rate while that rate remains in force, and it also makes it a penalty against any person receiving the benefit of a rate less than the published rates.
>
> Chairman Knapp stated to your committee that he favored making it a penal offense to make any departure from the published rates, whether there be a discrimination or not. Mr. Knapp said:
>
> "I want two things: I want the corporation carrier made liable, and I want the shipper made liable when he accepts a preference or secret rate, whether there is discrimination or not."
>
> Third. Section 2 of the bill makes it lawful to include as parties to any proceeding for the enforcement of the interstate-commerce act, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration, and authorizes final judgment against such additional party.

Mr. Speaker, in view of the decisions of the courts which I have cited, I should like to know how anyone can expect the enforcement of such acts as this. Surely if the act establishing a Department of Commerce and Labor is not constitutional—and I submit that it is not in so far as the powers conferred on the Commissioner of Labor are concerned—the antirebate law, approved February 18, 1903, is no less unconstitutional in respect of those parts of it which I have quoted.

It is claimed that Congress has, by an appropriation of $500,000, to be expended under the direction of the Attorney-General, contained in the legislative, executive, and judicial appropriation

bill, met the demand of the President, as embodied in the joint resolution introduced by me on the 3d of December, 1902. The Washington Post of February 18, 1903, says:

The ample provision made for prosecutions under the Sherman Act constitute a long and firm step in the direction which this Congress was not confidently expected to take.

Now, Mr. Speaker, the more I reflect upon this matter the more firmly I am convinced of the wisdom of the President in recommending a special appropriation for the purpose of enabling the Attorney-General to execute existing laws, rather than a policy of imperialism and Quixotism as embodied in the Nelson and Elkins propositions. As I said in the beginning, somebody will be held responsible for what has been done, as well as for what has not been done by us at this session of Congress; and I want it to be understood that I have at all times tried to carry out the only practicable scheme which has yet been suggested for lessening the evils of trusts; that I have not willingly supported any unconstitutional or irrational scheme; that I have adhered to the opinions of the courts whose province and duty it is to speak the last word and the prevailing sentence regarding all our acts in their relation to the Constitution.

The "Selling Combination" and the Trusts.

SPEECH

OF

HON. JAMES A. TAWNEY,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903.

The House being in Committee of the Whole and having under consideration the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part—

Mr. TAWNEY said:

Mr. CHAIRMAN: I offer as a new section the amendment which I send to the desk.

The Clerk read as follows:

SEC. —. That when two or more persons, firms, or corporations engaged in the production of articles or products and the sale of the same in States other than the State in which such products or articles are produced enter into an association, combination, or agreement fixing the price at which their products, or any of them, shall be sold, and offering to purchasers of such products a rebate or premium on the amount of their purchases from such persons, firms, or corporations on condition that all of the purchases of such purchasers for a given period shall be of the products specified by such persons, firms, or corporations, members of such association or combination or parties to such agreement, then and in such case such persons, firms, or corporations shall be deemed to have formed a conspiracy against trade, and upon conviction thereof shall be punished by a fine of not less than $5,000.

Mr. TAWNEY. The amendment which has just been read, and which I propose as a new section of the bill under consideration, is intended to apply to and make impossible a class of combinations differing from those which this bill in general relates to. This bill deals with individual corporations engaged in interstate and foreign commerce, and provides that these corporations shall file certain returns with the Interstate Commerce Commission, prescribing what these returns shall contain or show in connection with the purpose of the corporation, its authorized capital stock, the character of the same, amount received therefor, etc., under rules and regulations to be prescribed by the Commission, and prescribing certain penalties for the failure on the part of officers of such corporations to make such return or for the making of a false return. It also provides for the publication of an abstract of these returns by the Commission, and gives to the Commission authority to inquire into the management of the business of such corporations. It also proposes to prohibit the granting of rebates, concessions, or special facilities of service in respect to the transportation of any property, and contains many other provisions intended to prevent these corporations from monopolizing or controlling the production, manufacture, and sale of any article of commerce. But I do not find in the bill anywhere any provision that would prevent independent corporations from forming what is to-day known as "selling combinations," a combination which has become almost universal in many manufacturing industries not controlled by gigantic corporations, commonly called "trusts."

To my mind, Mr. Chairman, the so-called "selling combination" is a more dangerous combination and is more effective in the matter of destroying competition than any other, because these selling combinations, organized as I will show, can and do more completely monopolize the market for the sale of manufactured articles than do any of the so-called trusts. The selling combination affords to the smaller independent corporations in every line of industry the opportunity not only of destroying competition in the sale of their products, but the opportunity of demanding and receiving from the wholesaler and the consumer an exorbitant price. The two most notable instances where independent corporations have entered into a selling combination are in the pottery and glass industries.

It may be that the present law, known as the Sherman antitrust law, if enforced, would make these selling combinations impossible and dissolve those now in existence. But they do exist and have existed so long, and the knowledge of their existence and their effect upon trade, without any effort to prevent their formation or to dissolve those in existence, is so generally known that I infer it to be the opinion of those charged with the duty of enforcing the law that the existing antitrust law is inadequate for that purpose. It is for this reason I have offered the amendment, in the hope that it may be adopted, and if adopted I believe it would certainly enable the legal department of the Government to institute proceedings against those who have formed these combinations that would result in their destruction.

Mr. Chairman, I have in my possession, and for the information of the House will presently read, evidence of the existence of a selling combination formed by thirty-six independent corporations engaged in the manufacture and sale of pottery. This evidence, as the members of the House will observe, is conclusive upon the fact of the existence of a selling combination in this particular industry, and I am informed by dealers and wholesalers that the same plan to control the price and monopolize the market for the sale of glass has been in use by the independent corporations engaged in the manufacture of that article. The evidence I refer to consists of a letter and a confidential premium circular sent to the trade by the Pottery Association, with headquarters at East Liverpool, Ohio. This letter and circular are signed by the Pottery Association, by Charles E. Macrum, secretary. The manner in which this evidence came into my possession is worthy of notice, for the reason that it shows how completely the jobbers and wholesalers are at the mercy of this combination. They fear the consequences in the event that the existence and methods of this combination should be made public through their instrumentality. The letter was handed to me a few days ago by one who is not in any way connected with the pottery trade, either as a manufacturer or as a dealer. This fact was known to me, and when I inquired as to how these confidential communications came into his possession he informed me that they were shown to him and he was allowed to make copies of the originals on the condition that the name of the jobber would not be disclosed and that the serial number which the confidential premium circular bears should not be copied or in any manner revealed.

The letter referred to reads as follows:

THE POTTERY ASSOCIATION,
East Liverpool, Ohio, December 27, 1902.

GENTLEMEN: At the request of one of the members we inclose herewith our confidential circular, Premium Letter No. ——.

If it is your desire to avail yourselves of the premium proposition outlined therein, you will please date, sign, and return at once to this office the perforated slip attached to the letter. Should you decide not to enter the contract, please return the entire letter.

You are charged with this letter under its serial number and are requested to preserve it carefully, as under the rules of the association duplicate copies may not be sent to any dealer.

Yours, very truly,

THE POTTERY ASSOCIATION,
CHAS. E. MACRUM, *Secretary.*

Note the first paragraph: "At the request of one of the members"—that is, one of the 36 members of the association—"we inclose herewith our confidential circular, Premium Letter No. ——." The evident purpose of the association being to hold every dealer responsible for concealing from the public the plan under which this selling combination has been formed and is operated. Knowing that it would be within the power of such combination to absolutely ruin the jobber or wholesaler who would reveal the contents of this confidential premium circular and that the serial number would lead to the identification of the person who revealed this information, is no doubt the reason why these copies do not contain the serial number appearing upon the original.

Thus it will be seen that the individual merchant or wholesaler is deprived of that freedom in the making of his purchases and the transaction of his business that is so essential to the development of that self-reliance and aggressiveness without which the growth and development of the individual or the expansion of his business is impossible.

The confidential premium circular is as follows:

PREMIUM LETTER—THIS IS A CONTRACT. STUDY ITS CONDITIONS CAREFULLY.

EAST LIVERPOOL, OHIO, *January 1, 1903.*

GENTLEMEN: This is to advise you that the Pottery Association will pay, on certain conditions, a premium in cash on purchases of white and decorated semiporcelain, white granite, and C. C. dinner and toilet wares (not including packages, cash discounts, or other deductions) from any of its members.

The basis of premium to be paid will be fixed by the total or combined purchases during the year 1903 from any or all members of the association.

PREMIUM SCHEDULE.

On all purchases of premium wares, at the official prices, made from members of the association, contracted for after this date and shipped the year 1903 and paid for in accordance with the terms of sale, a premium in cash will be paid January 15, 1904, or as soon thereafter as accounts can be adjusted, according to the following schedule, viz:

On purchases of—	Per cent.	On purchases of—	Per cent.
$500	2	$12,000	15
1,000	3	13,000	15.1
2,000	5	14,000	15.2
3,000	7	15,000	15.3
4,000	9	16,000	15.4
5,000	11	17,000	15.5
6,000	12	18,000	15.6
7,000	12½	19,000	15.7
8,000	13	20,000	15.8
9,000	13½	21,000	15.9
10,000	14	22,000	16
11,000	14½		

For each additional $1,000 up to and including $32,000 add one-tenth of 1 per cent to the premium rate, which would make the rate on $32,000 17 per cent, and for each additional $1,000 over and above $32,000 add one-twentieth of 1 per cent to premium rate up to and including $52,000, upon which the rate will accordingly be 18 per cent and shall be the maximum premium offered.

Premiums may be paid at the end of the first six months of the year to any dealer to whom the premium is due on purchases of not less than $2,000, and such partial premium shall be calculated at the rates shown on the foregoing schedule. Any dealer desiring such partial premium must file his request with the treasurer within thirty days from July 1 with a statement of his purchases to that date.

The partial premium will be calculated as follows:

A dealer buys, January 1 to July 1, $3,000; premium due, 7 per cent on $3,000, $210. July 1 to January 1, $7,000; premium due, 14 per cent on $10,000, $1,400, less premium paid July 1, $210, $1,190. Year's purchase, $10,000. Total paid in two installments, $1,400.

Conditions are as follows:

Condition 1.—The amount of premium to be paid shall depend upon the total or combined purchases of premium ware from any or all members of the association.

Condition 2.—You shall have accepted and paid for all your purchases made from members of the association in conformity with their established prices and terms.

Condition 3.—Purchases of receipts of domestic premium ware (see condition 6) during the year 1903 must be confined to members of the Pottery Association, otherwise no premium will be paid.

Condition 4.—The right to revoke and cancel this proposition or any part thereof at any time is reserved, but obligations accrued hereunder up to the date of said revocation shall be paid.

Condition 5.—No combination of two or more dealers shall be permitted, under any circumstances, to unite purchases for the purpose of obtaining increased premiums.

Condition 6, premium ware.—Premiums will be paid on the following lines: Plain white semiporcelain dinner and toilet ware; plain white granite dinner and toilet ware; plain white C. C. dinner and toilet ware; decorated semiporcelain dinner and toilet ware; decorated white granite dinner and toilet ware; decorated C. C. dinner and toilet ware.

Nonpremium ware.—Decorated spittoons, jardinières, pedestals, umbrella stands, and other specialties not covered by above list are not subject to premium, nor shall purchases of such goods be included in estimating premium amounts of any dealer.

This proposition will not be binding upon this association unless it has your acceptance over your signature to the terms and conditions on the slip attached below.

Yours, very truly,

THE POTTERY ASSOCIATION,
CHAS. E. MACRUM, *Secretary.*

——— ——, 1903.

THE POTTERY ASSOCIATION,
East Liverpool, Ohio.

GENTLEMEN: We have received your circular letter dated January 1, 1903. Its terms are acceptable, and we hereby agree to comply with the conditions named therein.

Yours, truly,

——— ———.

This is a very interesting document, and reveals a plan of organization for the purpose of creating an absolute monopoly in the manufacture and sale of an important product that is not only ingenious, but is proving very successful in the accomplishment of the purpose for which selling combinations are formed.

In the first place, as I am informed, this premium circular covers practically all classes of crockery or earthenware manufactured in the United States, and it is through the central association that these premiums are paid. It will be observed that the price at which the articles enumerated are sold is not determined by the cost of production, but is determined by the amount of the annual purchases. For example, on annual purchases aggregating $6,000, a premium or rebate of 12 per cent is allowed, while on annual purchases of $52,000 a premium or rebate of 18 per cent is repaid to the purchaser. Both of these wholesalers or jobbers may be engaged in selling these wares in the same territory, and in many instances they are. The man whose annual purchases aggregate only $6,000 pays 6 per cent more for the same goods than the man whose annual purchases aggregate $52,000, the difference in the premium returned or rebates allowed being 6 per cent.

But it is the conditions under which these premiums or rebates are paid that enable the association to compel dealers to buy all of their goods from the members of the association, and this gives to the association its monopoly. First, the amount of premium to be paid depends upon the total purchases of premium ware from any or all members of the association. Second, the purchaser must have accepted and paid for all his purchases according to their prices and terms. Third, purchases of premium ware during the year must be confined to members of the pottery association, "*otherwise no premium will be paid.*" And then, in order that this arrangement may have the force and effect of a private contract, it is expressly stipulated that the proposition to pay these premiums shall not be binding upon the association unless it is accepted over the signature of the wholesaler, and the form of his acceptance is prescribed by the association and is absolutely unconditional. Therefore, the man who is engaged in the business of buying and selling crockery or earthenware must not only pay the price demanded by the association, including the premiums which are subsequently returned, thus depriving him of the benefit of the use of so much of the money as is represented by the premium for a period of six months, but he must also, in order to entitle him to a return of the premium or rebate at all, deal with no other manufacturer of crockery or earthenware, but deal exclusively with members of this pottery combination.

I am informed that among the 36 members of this association there are 3 corporations or manufacturers that manufacture a style and quality of earthenware or crockery that is not manufactured by any other company or manufacturer in the United States. The product of these three factories is one of the staple articles in this line of business, and therefore every dealer in the United States is compelled to buy this class of goods from one of these three members of the association and must either pay the price demanded, with the premium added, or make all of his purchases from members of this association. By reason of the fact, therefore, that there are members of this association manufacturing a class of goods that can not be obtained outside of the association this combination virtually compels every dealer to buy exclusively from members of the association or go out of business.

To my mind, Mr. Chairman, a combination of this kind is far more injurious, more iniquitous, than any other class of combinations we have to deal with. They entirely eliminate the element of competition in trade; and it is only by preserving the law of free and open competition in productive industry that the progress and development of the nation can be insured and the extension of our foreign trade maintained.

But, Mr. Chairman, while the destruction of competition, the control of prices, and the centralization of productive industry will, if not checked, lead to consequences disastrous to the people, yet the most serious result is the menace involved to the future welfare and happiness of the individual citizen, and to that extent a menace to the nation.

I am aware that in the debate upon this bill it has been said by the gentleman from Pennsylvania [Mr. SIBLEY], and by other gentlemen who are inclined to take an optimistic view of the present industrial consolidation, that the day of the individual is passed, and that he can not hereafter hope to enjoy the opportunity heretofore enjoyed. To my mind, Mr. Chairman, there is nothing more essential to the welfare and happiness of the nation, to its growth and progress, than the preservation of individual opportunity in commerce, trade, and in all lines of productive industry. The boy in the country grocery, by his own effort and the opportunities for the development of shrewd business sagacity, has become the wholesale merchant of the large city and the enterprising, public-spirited business man of the nation.

In his early business career he had the opportunity to go into the open market and there choose his wares from a hundred or more producers. He was then at liberty and entirely free to sell them at his own price, subject only to the will of his competitors. He was always entirely free in making his purchases and in transacting his business. It was this that made him self-reliant, aggressive, and successful; but when the production and sale of almost every article of merchandise is controlled by gigantic corporations, commonly called "trusts," or by numerous independent corporations operating under a selling combination, such as the Pottery Association, and the glass manufacturers who say to the merchant, "You can have our goods if you pay our price and agree to purchase only from us," or, as in some instances, "also agree to sell to your customers at a price fixed by us."

What then becomes of the individual opportunities that have heretofore made our successful merchants, our intelligent, enterprising citizens, and developed the moral and material resources of the nation? Or, when through the selfish greed of managers or the avaricious demands of the holders of watered stock a further step in this industrial reorganization is taken and these consolidated industries, like the Standard Oil trust, the tobacco trust, and many others adopt the policy of dealing directly with the people through established agencies, what then will become not alone of these opportunities for individual effort, but what will become of that intelligent, enterprising class of citizens known as the middlemen? Instead of having an incentive and an opportunity to strive for the control of business or ownership of property and the betterment of his condition in life he will be forced into the ranks of the "hewers of wood and drawers of water," there to

become a mere consumer, and the nation loses a progressive, energetic producer.

Mr. Chairman, individual opportunity is the necessary condition of free labor, the parent of industrial progress. The opportunity for individual effort and the attainment of every laudable ambition, in competition with our fellows, is the priceless open secret of American democracy. It has made us in little more than a century the most aggressive of the foremost nations of the world. It has forced into activity the resistless energies of our people. It has made possible for the individual the realization of his highest capacities as a citizen. Let us not, therefore, discourage the young men of to-day by announcing upon this floor that the opportunity for their development and their success in business, in trade, commerce, or industry by their own individual effort is a thing of the past, and that they must hereafter depend alone for their success upon the favor of corporate enterprises or the influence of officers or stockholders of gigantic corporations. Let us not abandon all effort or hope in this age of industrial consolidation of preserving to the citizen that opportunity for individual effort the existence of which in the past has blessed our homes with happiness and given to our social and industrial fabric a moral and an intellectual significance which is the pride of America and the envy of the world. [Applause].

APPENDIX.

[By Joseph R. Edson, of the bar of the Supreme Court of the United States, No. 927 F street NW., Washington, D. C.]

Should Congress provide, by general legislation, for the extension of letters patent, in proper cases, beyond the term of the original grant.

This subject will be considered under the following heads:

1. Constitutional provision for patent laws.
2. Laws enacted between 1790 and 1836, and between 1836 and 1902.
3. Law of 1836, providing for extension of patents, and law of 1861, repealing same.
4. How passage of repealing act was secured.
5. Some general law similar to the law of 1836 should be reenacted.
6. Extensions should be granted when inventions have not been placed on the market, or inventors have not been suitably rewarded.
7. On grounds of public policy, and to carry out in good faith the contract between Government and inventor, the inventor should be granted, in proper cases, an extension of his patent.
8. Debt of Government to its inventors.
9. Industrial progress of government, measured by the protection and encouragement government gives to its inventors.
10. America's commercial supremacy and high wages founded on patents.
11. No limit to human invention.
12. "It requires no prophet's vision to see the coming glory and the coming triumph of the inventive skill of man."
13. To inventors we must look for maintenance of high wages over cheap foreign labor.

OPINION OF STATESMEN, POETS, AND AUTHORS ON INFLUENCE OF INVENTION UPON CIVILIZATION.

"Our future progress and prosperity depend upon our ability to equal, if not surpass, other nations in the enlargement and advance of science, industry, and commerce. To invention we must turn as one of the most powerful aids in the accomplishment of such a result.

"May not inventors look to the Fifty-sixth Congress for aid and effectual encouragement in improving the American patent system?"—*President McKinley in his annual message of December 5, 1899.*

"The class of men who have given to their native land and to the world these grand inventions, whose beneficent influences tell with measureless power upon every pulsation of our domestic, social, and commercial life, are indeed public benefactors, and may well be pardoned for believing that their wants should not be treated with entire indifference by that body which represents alike the intellect and heart, as it does the material interests of the great country of which they are citizens—the Congress of the United States."—*Commissioner of Patents Holt.*

"From the earliest history of patent law the fact has been recognized that the inventor may, from circumstances not within his control, fail to obtain an adequate recompense for his inventive skill during the original term of his patent, and that justice to him and a due regard to the public interest, may thus sometimes require an extension of his monopoly in the invention."—*Robinson on Patents.*

"Th' invention all admired, and each how he to be the inventor missed;
so easy it seemed,
Once found, which, yet unfound, most would have thought impossible."
—*Milton.*

"Is it reasonable to make a man feel as if, in inventing an ingenious improvement meant to do good, he has done something wrong? How else can a man feel after he is met with difficulties at every turn? * * * And look at the expense, how hard on me, and how hard on the country, if there is any merit in me (and my invention is took up now, I am thankful to say, and doing well), to put me to all that expense."—*Dickens.*

"I think that we have all of us reason to feel satisfied with the showing made in this exposition, as in the great expositions of the past, of the results of the enterprise, the shrewd daring, the business energy and capacity, and the artistic and, above all, the wonderful mechanical skill and inventiveness of our people. Modern industrial competition is very keen between nation and nation, and now that our country is striding forward with the pace of a giant to take the leading position of the international industrial world, we should beware how we fetter our limbs. * * * We need the finest abilities of the statesman, the student, the patriot, and the far-seeing lover of mankind. They have shown the qualities of daring, endurance, and far-sightedness, of eager desire for victory and stubborn refusal to accept defeat."—President Roosevelt at Pan-American Exposition on "The Two Americas," Buffalo, May 20, and at Minnesota State Fair, on "National Duties," September 2, 1901.

CONSTITUTIONAL PROVISION FOR PATENT LAWS.

On the 17th day of September, 1787, the American people, through their chosen representatives in the Constitutional Convention, gave their consent to that clause of the Constitution which confers upon Congress the power "to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries."

Later on in this paper I will consider in what manner and to what extent the laws passed by Congress were designed to secure to inventors the exclusive right to their discoveries; also what further legislation, if any, is needed to give the security and the exclusive enjoyment contemplated by the fathers, as expressed in the Constitution, and by Congress in the enactment of patent laws.

Following the adoption of the Constitution and the recommendation of President Washington, in his first annual message to Congress, to give "effectual encouragement to the introduction of new and useful inventions," and "to the exertions of skill and genius in producing them," Congress passed "An act to promote the progress of useful arts," which became a law, by approval of President Washington, on April 10, 1790. This first patent law was followed by other acts of 1793, 1794, 1800, 1819, 1832—two acts—1836, 1837, 1839, 1842, 1848, 1849, 1852, 1861—two acts—1863, 1864, 1865, 1866, 1867, 1870, 1871, 1887, 1897, 1898, 1899, and 1902.

It will thus be seen that under the authority conferred upon Congress by section 8 of article 1 of the Constitution, no less than twenty-eight laws have been passed by Congress to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.

To enable inventors and their assignees, manufacturers of patented improvements, and others interested in patents to appreciate how willing Congress has always been to do all that it could to give effect to the constitutional provision to promote the progress of the useful arts by passing laws from time to time to encourage inventors and to give them security, I have prepared the following digest of the patent laws that have been passed by Congress from the date of the adoption of the Constitution down to 1902. An examination of this digest shows the frequency of legislation by Congress to add improvements to our patent system and thereby encourage inventors to give their time, labor, skill, and means in order to "promote the progress of science and useful arts," and to advance the comfort and happiness of mankind.

Judging Congress by its past legislation are we not forced to believe that its failure to act favorably on private bills for the relief of particular inventors affords no evidence whatever that it would oppose the enactment of a general law governing the extension of patents?

LAWS ENACTED BETWEEN 1790 AND 1836 AND BETWEEN 1836 AND 1902.

The act of 1793 provided for arbitration in interference cases, for the repeal of patents surreptitiously obtained.

The act of 1794 restored all suits brought under the act of 1790.

The act of 1800 extended the rights under our patent law to certain aliens; provided that the right to a patent by a deceased inventor shall devolve on his legal representatives; that in a suit for infringement for any patent the patentee or assignee might recover damages "equal to three times the damages actually sustained."

The act of 1819 conferred jurisdiction upon the circuit courts of the United States, as well in equity as at law, in all suits, etc., arising under any patent law, and also provided for a writ of error or appeal to the Supreme Court of the United States.

The first act of 1832, section 2, related to applications to Congress for the extension of letters patent; section 3 provided for the issuance of a new patent (reissue) in case a patent is "invalid" or "inoperative" through "inadvertence," accident, or mistake, and "without any fraudulent or deceptive intention * * * of the inventor."

The second act of 1832 extended certain privileges under our patent laws to certain aliens who had declared their intention to become citizens of the United States.

The act of 1837 provided in sections 1 to 5 for the filing in the Patent Office of copies of patents, etc., the Patent Office having been destroyed by fire on December 15, 1836; section 6 enacted that upon authority of the inventor, the Commissioner may in any case issue a patent to the assignee; section 7 enacted that whenever a patentee shall have, through inadvertence, accident, or mistake, made his specification too broad he may make disclaimer of such parts of the thing patented, and such disclaimer shall thereafter be taken and considered as part of the original specification; section 8 enacted that an improvement may be added to a reissue application, and that such applications shall be subject to revision and restriction; section 9 enacted that a patent shall be good and valid in part, provided the patentee was the inventor of a "material and substantial part of the thing," but in case of suit he shall not recover costs if he unreasonably neglected to enter a disclaimer; section 14 enacted that the Commissioner shall make an annual report to Congress in January of each year of the number of patents issued, etc., "together with such other information of the condition of the Patent Office as may be useful to Congress or the public." It will be noted that the Commissioner of Patents is the only bureau officer under the Government that has received the distinction of being called upon to make a direct report to Congress.

The act of 1839, in addition to increasing the force of the Patent Office, provided for the publication of a list of patents granted; that (see sec. 8) no charge should be made for recording an assignment, thereby repealing section 2 of the act of 1836, which imposed a recording fee of $3.

The act of 1842, section 3, enacted that patents for designs should be issued; section 4, that the oath may be taken in any foreign country; section 5, that falsely marking an article with word "patent" or "patentee" or any word or words with intent to counterfeit the stamp or mark of a patentee and of deceiving the public, shall be liable to a fine of not less than $100. Section 6 required the patentee to properly mark the patented improvements, etc.

The act of 1848 enacted that the power to extend patents "shall hereafter be invested solely in the Commissioner of Patents," thereby relieving the Secretary of State and the Solicitor of the Treasury of hearing, etc., the applications for extensions; section 4 authorized the Commissioner of Patents to send the annual reports of the Patent Office by mail free of charge.

The act of 1849 enacted "that the Secretary of the Interior shall exercise and perform all the acts of supervision and appeal in regard to the office of the Commissioner of Patents now exercised by the Secretary of State."

The act of 1852 enacted that appeals from the Commissioner of Patents may be made to either of the assistant judges, as well as the chief judge of the circuit court of the District of Columbia.

The act of 1863, 12 Statutes at Large, 796, section 1, repealed so much of section 7, act of 1836, as required an applicant to file a new oath; section 3 gave the applicant six months within which to pay the final fee, and provided that as to cases that had been allowed, the six months should be reckoned from the date of this act.

The act of 1864 provided that the final fees might be paid within six months after the date of forfeiture of an allowed application for nonpayment of final fee.

The act of 1865, 12 Statutes at Large, 553, provided that a new application might be filed within two years after the date of allowance of a forfeited application.

The act of 1870, 16 Statutes at Large, 198, section 10, provided that the examiners in chief should "hear, when required by the Commissioner, and report upon claims for extension;" section 25, that prior patents in a foreign

country shall not debar issuance of patent here; provided the invention has not been in public use in this country for more than two years; section 53 provided that, upon the reissue of a patent, the Commissioner might issue "several patents for distinct and separate parts of the thing patented;" section 55 provided "that all actions shall be brought during the term for which the letters patent shall be granted or extended, or within six years after the expiration thereof;" sections 63, 64, 65, 66, and 67 are substantially the same as section 18 of the act of 1836, with this addition: That upon publication of notice of an application for extension, the Commissioner shall refer the case to the principal examiner having charge of the class of inventions to which it belongs, who shall make to said Commissioner a full report of the case, and particularly whether the invention or discovery was new or patentable when the original patent was granted."

The act of 1871, 16 Statutes at Large, 585, provided that the acts of 1870 should not apply to applications for reissue that were filed before the date of said act, July 8, 1870.

There was practically no legislation relating to mechanical patents from 1871 to 1897. The act of 1874 related to copyrights, the act of 1887 to designs, and the act of 1891 to copyrights.

THE ACT OF MARCH 3, 1897.

Section 25 of the act of July 8, 1870, declared that an American patent should "not be declared invalid by reason of the invention having been first patented in a foreign country, unless the same had been introduced into public use in the United States for more than two years prior to the application."

This act of March 3, 1897, amended sections 4886, 4887, 4894, 4898, 4920, and 4921 of the Revised Statutes.

There were two amendments to section 4886, one of which enlarged the rights of the inventor by enabling him to go back to the date of his invention or discovery in support of his patent, while the other amendment rendered a patent invalid if the invention had been patented or described in any printed publication in this or any foreign country before his invention or discovery thereof "for more than two years prior to his application." Before the addition of the second amendment to section 4886, evidence that the invention had been patented or described in a printed publication in a foreign country for "more than two years prior to his application" would not defeat the patent unless the invention had been "in public use or sale in this country for more than two years prior to his application."

Section 4887: This section, as amended, amended section 4921 by adding thereto the following sentence:

"But in any suit or action brought for the infringement of any patent, there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action."

An act entitled "An act defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent," approved March 3, 1897, provides that in case "suit is brought in a district of which the defendant is not an inhabitant, but in which said defendant has a regular and established place of business, service of process, summons, or subpœna upon the defendant may be made by issuance upon the agent or agents engaged in conducting such business in the district in which suit is brought."

An act of February 28, 1899, amended section 4896 by providing that "when any person having made any new invention or discovery for which a patent might have been granted becomes insane before a patent is granted, the right of applying for and obtaining the patent shall devolve upon his legally appointed guardian, conservator, or representative in trust for his estate."

Another act, approved March 3, 1893, entitled "An act to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals in the District of Columbia in the same cases and manner that it may do in respect to the circuit court of appeals."

And the act entitled "An act to amend section 4929 of the Revised Statutes relating to design patents," constitute, with the acts previously mentioned, all the acts of Congress relating to patents for inventions, except two or three acts of minor importance, e. g., as an act approved April 11, 1902, amending section 4883, Revised Statutes, by providing that patents shall be signed by the Commissioner of Patents instead of by that officer and the Secretary of the Interior.

LAW OF 1836, PROVIDING FOR EXTENSION OF PATENTS, AND LAW OF 1861 REPEALING SAME.

The act of 1836, section 1, established the Patent Office;

Section 2 provided for the appointment of officers and employees of the Patent Office; also that every employee of said office, including the Commissioner of said office "shall be disqualified * * * from acquiring * * * except by inheritance * * * any right or interest, directly or indirectly, in any patent for an invention or discovery which has been or may hereafter be granted:"

Section 3: That certain officers should give bonds, and certain employees should make oath, for faithful performance of their duties;

Section 4: That certified copies might be used in evidence;

Section 5 gave the inventor, his assigns, etc., the full and exclusive right and liberty of making, using, and vending to others to be used * * * what the patentee claims as his invention or discovery;

Section 6 described who might apply for a patent and what the application should contain;

Section 7 provided that upon filing of an application the Commissioner should "make or cause to be made an examination of the alleged new invention or discovery; and if, on any such examination, it shall not appear to the Commissioner that the same had been invented or discovered by any other person in this country prior to the alleged invention or discovery thereof by the applicant thereof, or that it had been patented or described in any printed publication in this or any foreign country, or had been in public use or on sale with applicant's consent or allowance prior to his application, if the Commissioner shall deem it sufficiently useful and important, it shall be his duty to issue a patent therefor;" that in case of rejection of his application, the applicant might withdraw his application, receiving back part of the fee therefor, or appeal to a board of examiners and that, on such an appeal, a majority of the board, consisting of three persons, might reverse the decision of the Commissioner;

Section 8 provided for an appeal in interference cases;

Sections 9 and 10 established certain Government fees and provided that the legal representative of a deceased inventor might apply for a patent; and provided that every patent should be assignable, either as to the whole interest, or any undivided part thereof;

Section 12 provided for the filing of caveats in case the inventor desired "further time to mature" his invention, and gave the inventor "protection of his right till he shall have matured his invention;"

Section 13 provided for the reissue of patents and for the addition to the reissue "of any new improvement of the original invention or discovery which shall have been invented or discovered by him subsequent to the date of his patent, * * * and have the same annexed to the original description and specification;"

Section 14 gave the court power, in a suit for infringement, to give judgment for the plaintiff for an amount "not exceeding three times the amount" named in a "verdict as the actual damages sustained by the plaintiff;"

Section 15 provided that foreign use should not invalidate a patent, and that, "if it shall appear that the defendant had used or violated any part of the invention justly and truly specified and claimed as new, it shall be in the power of the court to adjudge and award as to costs, as may appear to be just and equitable;"

Section 16 provided for the determination by a bill in equity "of the fact of priority of right of invention" between interfering patents, or between a patent and an application for a patent;

Section 18 provided: "*And be it further enacted*, That whenever any patentee of an invention or discovery shall desire an extension of a patent beyond the term of its limitation, he may make application therefor in writing, to the Commissioner of Patents setting forth the grounds thereof; and the Commissioner shall, on the applicant's paying the sum of $40 to the credit of the Treasury as in the case of an original application for a patent, cause to be published in one or more principal newspapers in the city of Washington and in such other paper or papers as he may deem proper, published in the section of the country most interested adversely to the extension of the patent, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted. And the Secretary of State, the Commissioner of the Patent Office, and the Solicitor of the Treasury shall constitute a board to hear and decide upon the evidence produced before them, both for and against the extension, and shall sit for that purpose at the time and place designated in the published notice thereof. The patentee shall furnish the said board a statement in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures sufficiently in detail to exhibit a true and faithful account of loss and profit in any manner accruing to him from and by reason of the said invention. And if, upon hearing of the matter, it shall appear to the full and entire satisfaction of the said board, having due regard to the public interests therein that it is just and proper that the term of the patent should be extended, by reason of the patentee, without neglect or fault on his part, having failed to obtain from the use and sale of his invention a reasonable remuneration for the time, ingenuity, and expense bestowed upon the same, and the introduction thereof into use, it shall be the duty of the Commissioner to renew and extend the patent by making a certificate thereon of such extension, for the term of seven years from and after the expiration of the first term; which certificate, with a certificate of said board of their judgment as aforesaid, shall be entered on record in the Patent Office; and thereupon the said patent shall have the same effect in law as though it had been originally granted for the term of twenty-one years; and the benefit of such renewal shall extend to assignees and grantees of the right to use the thing patented to the extent of their respective interests therein: *Provided, however*, That no extension of a patent shall be granted after the expiration of the term for which it was originally issued."

Section 19 enacted that the "Committee of the Library of Congress should provide the Patent Office with a library of scientific works and periodical publications, both foreign and American, calculated to facilitate the discharge of the duties hereby required of the chief officers" of said office; section 20 enacted that the models, etc., deposited in the office, patented or unpatented, shall be classified and arranged in rooms or galleries in such manner as will be conducive to a favorable display thereof, and that said rooms or galleries shall be kept open for public inspection.

The act of 1861, approved February 18, provided that a writ of error or appeal shall lie, as the case may be, to the Supreme Court of the United States.

The act of 1861, approved March 2, 1861, 12 Statutes at Large, 246, section 1, provided for the making of rules for taking depositions in interference cases and required the United States courts to issue subpœnas for witnesses in such cases; section 2 provided for the appointment by the President, by and with the advice and consent of the Senate, of three examiners in chief to hear appeals from principal examiners, etc., and, when required by the Commissioner of Patents, to hear and report upon applications for extensions of patents; section 3 gave an applicant the right to two rejections of his application before he should be put to the expense of an appeal; section 4 increased the salaries of certain officials of the Patent Office; section 5 authorized the Commissioner to restore to applicants the models in a certain class of cases; section 7 authorized the Commissioner to appoint "such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required, that * * * the total annual expense of the Patent Office shall not exceed the annual receipts;" section 10 fixed the fees to be paid to the Patent Office, including $50 on every application for an extension and $50 on the granting of every extension; section 11 provided that designs might be extended for seven years; section 13 provided that patented improvements should be marked; and section 16 enacted "that all patents hereafter granted shall remain in force for the term of seventeen years from the date of issue, and all extension of such patents is hereby prohibited."

HOW PASSAGE OF REPEALING ACT WAS SECURED—SOME GENERAL LAW SIMILAR TO THE LAW OF 1836 SHOULD BE REENACTED—INVENTORS ENTITLED TO REWARD.

The consideration of Congressional legislation since the adoption of the Constitution is an unanswerable argument to the objection that Congress is opposed to the inventor and to all that his encouragement means to the nation and is hostile to such further legislation as would give him additional opportunity to secure reward for his invention, by providing the machinery for hearing applications for the extension of letters patent, in cases wherein the inventor, through no fault of his own, has not been rewarded for his invention. Probably nine-tenths of the inventors and others interested in patents, such as assignees, manufacturers, etc., as well as the great body of the legal profession, including those who are known as specialists in patent law and practice, have, without just cause, formed the opinion that Congress is hostile to any general legislation having in view the passage of a law similar to section 18 of the law of 1836, providing for the granting, in proper cases, of extensions of letters patent. This opinion may be founded, although unjustly, upon the fact that since March 2, 1875, only four patents have been extended. As I shall hereinafter show, the fact that only a small number of patents has been extended since 1875 is not due to Congressional hostility to inventors, who were never in greater favor with Congress, with the American people, and with the entire civilized world than they are now, but is due to the way—the means—namely, private bills for relief, which has been adopted to secure an extended term.

Until the writer prepared and had caused to be introduced at the first session of the Fifty-seventh Congress two bills (S. No. 6313 and 6314 and H. R. 15332 and 15333) to provide by general legislation for the reenactment of a law lor the granting, in proper cases, of applications for extensions, instead of depending upon the passage of private relief bills, no bill, in the form of a general law, had been introduced in Congress since the passage of the act of 1861, much less been refused favorable consideration by Congress, to restore a general law for the extension of patents.

I shall hereinafter show how and in what manner the law for the extension of patents was repealed; that the repeal was advanced as a mere experiment;

that as an experiment it has proved to be unjust to inventors and others, against public policy, a breach of public faith on the part of the Government, and, lastly, an admitted failure.

I shall also endeavor to show that in view of the many technical questions of law and fact which arise in the considerations of applications for extensions, and the frequent changes that take place in the membership of the Senate and House Committees on Patents, especially of the House committee, and of the time that necessarily would be required to hear the applications, examine the proofs, consider authorities, and prepare decisions, it would be a physical impossibility for the committees of Congress to render the service required of them to properly hear the applications which would be filed if they "let down the bars" by making a few favorable reports on private bills to grant extensions outright by Congress, or even refer the applications to the Commissioner of Patents for hearing and determination.

To indicate the changes which take place on the House committee, I will state that eight of the present members thereof have not been reelected, hence, even if the remaining five members were all reappointed, there would necessarily be a large majority of new members on the next committee.

The unreasonableness of expecting a committee, whose membership is subject to such large and frequent changes from one Congress to another, to take up and consider several hundred applications for extensions each year, the proper disposition of which in justice to the public, as well as to the applicants, would require special knowledge of a difficult branch of the law and a technical knowledge in nearly every art, is so apparent that it has only to be stated to secure a prompt admission. Remember, also, that the committees, especially of the House, can only meet, at best, once or twice a week for an hour or so, during a period of less than three months every other year, namely, the second session of each Congress. Think of such a committee, so limited in time, undertaking to hear several hundred applications for extension, an enterprise impossible, even if they had no public duties to perform and never so much as attended a single session of the House. Against the babel of voices and the flood of papers, so vastly beyond their physical powers to hear or examine, they can only protect themselves as you or I, if we were in their places, would protect ourselves, either by rejecting applications or by neglecting to make favorable reports thereon to the House. Therefore, the only relief must necessarily come through some general law similar in effect to section 18 of the act of 1836, providing proper machinery for the consideration of applications for extension.

At a recent hearing of a private bill before the Senate committee for the extension of a patent which was about to expire, leaving the inventor without any reward for his invention, in the development of which he had spent nearly thirty of the best years of his life, and had expended all he was worth when he began, all he had made during the said thirty years, and all that he had been able to borrow from friends and business acquaintances who had confidence in him personally and in his genius as an inventor, and had, nevertheless, not been able to place his improvement upon the market, although he now had the promise of capital to do so, in view of the recent demonstrations of the practical utility of his improvement, a Senator asked the writer if he knew of any possible objection to favorable action upon the case other than that it would form a precedent to encourage others (equally meritorious) to make similar applications. I mention this incident merely to show that the adverse action of the committees of Congress on applications for extensions is not due to their hostility either toward inventors or to a revival of one of the salient features of the American patent system, namely, extensions of patents in proper cases, but is due to the well-grounded belief that if they encourage applications for extensions by making favorable reports on private bills, it would, in a very short time, be a physical impossibility to hear the number of applications that would be made.

While pressing for a favorable action of the House Committee on Patents on a private bill for the relief of a client whom I was serving (see his letter below), practically without charge, in consideration of his being one of my old clients, who had impoverished himself in efforts to induce capitalists to promote his patent, and having frequently expressed my surprise at not receiving notice of a favorable action, a member of the committee finally said to me, "Mr. Edson, you have a good case and your client is justly entitled to have his bill favorably considered; but the fact of the matter is there are plenty of other cases just as meritorious as yours, and if we should act favorably upon your case, it would be a precedent for others to follow and we would soon have more applications than we could possibly consider." To which I replied, "Well, if that is the reason why extensions of patents can not be secured, either by direct act of Congress, or by favorable action on private bills referring cases to the Commissioner of Patents for hearing, that objection can be readily overcome by the passage of a general law which will relieve the committees of Congress from labor which, I frankly concede, they can not perform with due regard to other public duties."

As soon as this statement was made to me, and especially after a member of the Senate committee had asked me, "Do you know of any objection to favorable action on the Jenkins case other than that it would make a precedent upon which to claim favorable action on other applications, etc.?" I became fully satisfied that the obstacle to obtaining extension of patents was in the mode of procedure—private bills—and not in the relief sought, and that therefore some general law should be passed which would give some court, board, or commission jurisdiction of the hearing and determination of applications for extensions, and I accordingly prepared and secured the introduction of the two bills as heretofore stated.

BURTON HOTEL, 310 C STREET NW.,
Washington, D. C., June , 1902.

Mr. JOSEPH R. EDSON,
Care Edson Brothers, 927 F street NW., Washington, D. C.

DEAR SIR: I sincerely thank you for the labor and the great kindness you have shown to me in preparing and helping me to present my case, and in view of the fact that I was unable to give you a fee that would have been considered reasonable for your labor, I feel all the more grateful to you for the kindness and valuable services rendered and the interest you have taken in my case, * * * and that you may continue to follow up the good work. I close by assuring you that you have my very best wishes and can believe me, as ever,

Yours, most sincerely, SAMUEL H. JENKINS.

P. S.—After this week my address will be, as formerly, Chattanooga, Tenn.

Mr. Jenkins's private bill failed to receive favorable consideration, thus having met the fate of all such bills that have been filed within the last fifteen years.

The act March 2, 1861, known as Senate bill No. 10, repealed section 5 of the act of 1836, which fixed the term of a patent as fourteen years, and section 18 of the same act, which provided for an extension of the original term for a period of seven years. As this bill finally passed the Senate it contained no provision for either extending the term of a patent or for repealing or modifying section 18 of the act of 1836 relating to the extension of patents. The House amended the bill as it came from the Senate by adding a section which read as follows:

Par. 16. "*And be it further enacted*, That there shall be no further extension of any patent when it shall appear to the Commissioner that the profits of said patent, including sales made by the assignee or assignees of said invention, shall amount to one hundred thousand dollars."

The Senate disagreed to the House amendment, as to assignees, on the ground, *inter alia*, that the assignees might be unable or unwilling to give an accounting, and that the inventor could not compel them to do so. The Senate having disagreed to the amendment of the House, and the House and Senate having "insisted," the bill went to a conference committee, up to which time it had not contained any provision either to change the duration of patents or to repeal the law providing for their extension. The conference committee struck out the entire section, and substituted the short one, which stands as section 16 of the act, namely:

"That all patents hereafter granted shall remain in force for the term of seventeen years from the date of issue; and all extension of such patents is hereby prohibited."

This bill also provided for the taking of depositions in interference cases, which had been repeatedly urged upon Congress by the Commissioner of Patents; for the appointment of three examiners in chief, at an annual salary of $3,000 each; for an increase in the salary of the Commissioner of Patents and other employees of the Patent Office; for the appointment by the Commissioner of "such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch, provided that the total expenses of the Patent Office shall not exceed the annual receipts," etc., the bill containing seventeen sections in all.

The failure of either the Senate or the House to adopt the report of the conference committee meant, of course, the failure of the entire bill, as will be understood by those who are familiar with legislative procedure. There was no discussion in either House upon the substitute section 16, prepared by the conference committee, repealing the law providing for the extension of patents, and I have been unable to find anything in the archives of Congress or of the Patent Office which shows that the Commissioner of Patents, or anyone else, had ever so much as suggested such an amendment to the law.

This repeal of one of the salient features of the American patent system (section 18 of the act of 1836) was accomplished without, so far as I can learn, a single objection to the old law by any American citizen, official or unofficial, lay or professional, natural or artificial, or the presentation of a single recommendation or petition therefor.

Here was a bill which entirely reorganized the Patent Office (see digest herein, act of 1836, sections 2 to 19) that had been twice considered by each House of Congress and then came for consideration before the two Houses upon the report of a conference committee, at a time when the President elect, Abraham Lincoln, was nearing Washington to be inaugurated, when the nation was stirred to its very center and in the throes of a great civil war. At such a moment the report of this conference committee came before the two Houses of Congress for action. In view of the many very meritorious provisions of the bill it would be unreasonable to expect the friends of the bill to allow it to fail through adverse action by either House of Congress upon the report of the conference committee. But the mistake, "the step in the wrong direction," that was made in practically cutting off extensions, has become more and more apparent since the seventeen-year patents began to expire in 1878.

The Commissioner of Patents, Hon. M. D. Leggett, in his report to Congress for the year 1872 (see O. G., vol. 3, page 62), said:

"Until March 2, 1861, patents were granted for the term of fourteen years, with the right of extension when proper cause was shown. Said act provided that the term shall be for seventeen years, with no right of extension. I have always doubted the wisdom of the law, and the more thoroughly I have become acquainted with inventors and their peculiarities the more thoroughly I am convinced that the change was an unwise one. It is a fact familiar to all who have given the subject-matter any considerable attention that a very large proportion of the more valuable inventions are assigned in their infancy for trifling considerations, because of the indigent circumstances of the patentee. Assignees have in general made all the money that has been made from the original term of patents.

"There is justice in giving a considerable proportion of the profits arising from patents to assignees; for generally the talent required to create the demand for and to manufacture and to successfully introduce into public use the thing invented is as valuable and meritorious as that exercised by the inventor. That assignees of patents have made large profits is not therefore of itself an objection to the law; but the design of the patent laws, under the provisions of the Constitution, was to encourage and develop invention by giving to inventors a monopoly that might compensate them. Experience has developed the fact that a very large proportion of our most worthy and deserving inventors have been obliged to look to the extended terms of their patents for their remuneration. When the invention is made it is often in advance of the demand for it. The public must be educated up to its wants, requiring considerable time and expense before the inventor can be remunerated. It is in this stage of the life of a patent that inventors are often compelled by poverty to sell their inventions for a very small sum. When the patent is extended, the extended term belonging to the inventor, and the public now understanding its value, the inventor is enabled to obtain a reasonable compensation for his patent. In this way the extended term becomes far more remunerative than the original.

"As mere mechanics and copyists our people are greatly excelled by the older nations, but in useful and labor-saving inventions the people of the United States excel all others. It is difficult to overestimate the extent to which our country is indebted to the genius and industry of our inventors. No other nation has done so much to secure to its inventors the results of their brains and labor. In no other country have the legislators and the courts been so liberal and just in affording protection to the peculiar class of property covered by patents for invention. The rich development of valuable inventions which have so distinguished our country is largely due to our recognition of the just rights of inventors.

"The act of March 2, 1861, I am fully convinced, was legislation in the wrong direction, and that the encouragement of useful inventions, as well as justice to the inventors, requires a right in the inventor to secure extension in meritorious cases."

The official records of the Patent Office show that only four patents have been extended since March 2, 1875, the date of expiration of the last issue of fourteen-year patents.

The supposition so generally, though erroneously and unjustly, entertained that Congress is opposed to the extension of patents, affords an explanation of the reduction of the number of private bills that have been filed to secure the extension of patents, either by the direct act of Congress or through the Patent Office.

I am satisfied that the commonly expressed opinion as to the attitude of Congress on the question of extensions of patents is founded upon suppositions and not upon facts; and so well satisfied have I become that a large majority of Congress are not opposed to the granting of extensions, in proper cases, and that it has accepted the act of March 2, 1861, as conclusive and final as to the extension of patents only because it would be impossible for the committees of Congress to hear, examine, and pass upon the large number of applications that would be filed every year if they should make favorable

reports upon a very limited number of applications, that I am convinced that success would crown an effort made to secure general legislation which would provide for hearing and determination of applications for extension by some board, commission, or court. I have, accordingly, prepared four bills, two of which have already been introduced in the Senate and House, read twice, and referred to the proper committees. One bill (Senate No. 6314, House No. 15333), to state its contents briefly, practically restores the old law of 1836, except that it provides for an extension for a term not to exceed seventeen years. If an inventor who, for example, after having made and patented an important invention, has never enjoyed the "exclusive" right to make and use his invention, but has been forced to spend all of his income from his patent, and, perhaps, drawn upon his other resources, to pay expenses of litigations which have continued almost to the date of expiration of his patent, justice, fairness, and good faith on the part of the Government demand that the patent shall be extended for a term which will give the patentee the period of "exclusive" right which the Government, under its contract (see Supreme Court in Grant *v.* Raymond, 6 Peters, 218) agreed to secure to him in consideration of his making a full disclosure of his invention.

The second bill, Senate No. 6313, House No. 15332, provides that the Commissioner of Patents shall have the usual examinations made as to the prior state of the art to see whether all the claims of the patent were properly allowed.

Shall select the publications in which notice of the application for extension shall be inserted in order to give notice to adverse interests. After the proceedings above indicated the case is to be sent to the Court of Claims for examination and decision upon all the proofs and argument of counsel.

The third bill provides for the establishment of a commission to be attached to the Patent Office and paid out of the "patent fund," which shall separately, or in connection with the Commissioner, perform all duties and have exclusive jurisdiction over all applications for extension.

The fourth bill contemplates the filing of a private bill in each case, as at present, and the establishment of a commission to hear each case and report its findings of fact to Congress with a recommendation that the bill be favorably or unfavorably considered; also that no patent extended under the provisions of this act shall be construed to give any right to sue the Government of the United States for the infringement of the patent under its extended term.

The writer has received many assurances from members of the Senate and of the House of Representatives that a move to "secure general legislation," as proposed in these bills, is in the "right direction."

The following is a copy of one of the said four bills, two of which were introduced in the Senate by Senator BATE June 30, 1902, Senate Nos. 6313 and 6314; and which were also introduced in the House of Representatives by Judge MOON on July 1, 1902.

A bill to amend sections 4924 and 4927 of the Revised Statutes, relating to patents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4924 be amended to read as follows:

"SEC. 4924. That where the patentee of any invention or discovery, the patent for which was granted within seventeen years and nine months preceding the date of the passage of this act, shall desire an extension of his patent beyond the original term of its limitation, he shall make application therefor, in writing, to the Commissioner of Patents, setting forth the reasons why such extension should be granted; and he shall also furnish a written statement, under oath, of the ascertained value of the invention or discovery, and of his receipts and expenditures on account thereof, sufficiently in detail to exhibit a true and faithful account of the loss and profit in any manner accruing to him by reason of the invention or discovery. Such application shall be filed not more than nine months nor less than ninety days before the expiration of the original term of the patent, and no extension shall be granted after the expiration of the original term."

SEC. 2. That section 4927 be amended to read as follows:

"SEC. 4927. That the Commissioner shall, immediately after the receipt of said application and of the report of the principal examiner, as provided for in section forty-nine hundred and twenty-six of the Revised Statutes, immediately refer said application to the Court of Claims to hear and decide upon the evidence produced both for and against the extension; and if it shall appear to the satisfaction of the Court of Claims that the patentee, without neglect or fault on his part, has failed to obtain from the use and sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it and the introduction of it into use, and that it is just and proper, having due regard to the public interest, that the term of the patent should be extended, the Court of Claims shall make a certificate thereon, renewing and extending the patent for a term not to exceed seventeen years from the expiration of the first term. Such certificate shall be forwarded to the Commissioner of Patents, to be recorded in the Patent Office; and thereupon such patent shall have the same effect in law as though it had been originally granted for and including the extended term."

It may be interesting to here state, from the official records of the Patent Office, the number of applications for extensions filed and of extensions granted during the years 1872, 1873, and 1874, the last three years of the fourteen-year patents; these can be compared with the number of fourteen-year patents which were granted in 1858, 1859, and 1860 under the act of 1836, to wit:

	1872.	1873.	1874.
Applications for extensions	285	------	------
Extensions granted	240	------	------
Applications for extensions	------	273	------
Extensions granted	------	233	------
Applications for extensions	------	------	216
Extensions granted	------	------	199

The number of patents issued in the years 1858, 1859, and 1860, which would expire in 1872, 1873, 1874, under the original term, was, respectively, as follows: 1858, 3,467; 1859, 4,165; 1860, 4,363; total, 11,995.

It will thus be seen that of the 774 applications for extensions out of 11,995 patents, the Commissioner of Patents, in view of the reports of his expert examiners, the proof as to receipts and the disbursements of the patentees, the importance of the invention to the public as well as to the patentees themselves, the causes which had prevented the patentees, although diligent according to their abilities, from either placing their improvements on the market or reaping their merited reward, the nature of the invention and the prior state of the art, found that 672 out of 774 of applicants for extensions were justly entitled to have their patents extended for seven years, the only term under the statute of 1836 for which the Commissioner of Patents could grant an extension.

It will be seen that the enactment of any one of the four bills, or of a bill combining features of two or more of them, would not require one dollar of Government money; even should a board, to be attached to the Patent Office, or a commission, as proposed, be appointed, the entire expense thereof could be paid out of the five millions of surplus to the credit of the patent fund, every dollar of which came from the pockets of inventors and others interested in patents, or out of the current receipts of the Patent Office, without absorbing more than from one-sixth to one-tenth of the large annual surplus, and without taking one dollar from the previous surplus.

It is eminently proper that a portion of the large surplus which has accumulated from the fees paid by the fraternity of inventors should be devoted to securing a modicum of justice to the unlucky brother who has seen his bright hopes, founded on valuable discoveries, end in bitterness and disappointment.

Litigation, protracted through years, fruitless quest for capital, fruitless expenditures of his own resources, heart-breaking disappointments, and grinding poverty too often fill up the short term of a patent.

What better use could be made of the really small amount of money that would be required to pay the expenses of such a court, board, or commission than is herein proposed? Its proceedings would be analagous to the proceedings before the Privy Council of England which, after hearing the petitioner, and any opponents and "inquiring of the whole matter," advises the Crown whether an extension not exceeding fourteen years, making twenty-eight years in all, shall or shall not be granted.

The surplus fund of the Patent Office has been mentioned above as a source from which the expenses of the court, board, or commission for hearing and considering extension cases might be derived. It could, however, be arranged to avoid any draft on said fund. A fee might be charged in extension cases, fifty dollars, as formerly, when application is made, and fifty dollars when it is granted; these fees would probably render the board, etc., self-supporting. It seems to me that only a nominal fee should be required when the application is filed.

In a speech delivered in the House of Representatives on June 13, 1882, by Hon. Thomas D. Young, of Ohio. He said:

"Speaking of the receipts of the office and the reason why this amendment should be adopted, let me state that the surplus receipts of the Patent Office over expenditures for the last year were $248,000. This money is covered into the United States Treasury. Where does it come from? From the pockets of inventors and the people who sustain inventors by buying their patents for use in different manufactories.

* * * * * * *

"And more than that, Mr. Chairman, the $248,000 which goes into the Treasury is a surplus which was never intended to go there. The Patent Office was established in the first place for the purpose of encouraging the useful arts. If any gentleman on this floor assumes or pretends it was intended as a revenue office I should like to know it. If it were intended as a portion of the internal-revenue system to gather money into the Treasury taken from the people for specific reasons and purposes, then the Patent Office ought to belong to the Internal Revenue Bureau and be legislated for accordingly. But there never was any such intention on the part of the men who originated the Patent Office, as the law establishing it declared it was established for the encouragement of the useful arts. It was intended to be self-sustaining and to pay its own way, and it does pay its own way and has this surplus. Men come here and on the ground of retrenchment and economy say it is a great extravagance and that it ought not to exist.

* * * * * * *

"Surely this Congress can be equally liberal in permitting the Patent Office to expend a few thousand dollars of its own earnings for the benefit of the Government, for the benefit of all classes of our people, and thereby 'promote the useful arts.' * * *

"As this fund accumulates propositions are annually made in Congress to divert it from its legitimate uses to educational or other enterprises entirely foreign to our patent system. Does it not seem the part of duty as well as of wisdom and sound policy that it should be taken from the idleness which is suggested by these threatening propositions and employed in a channel where it would be fruitful of so much good to inventors and the public?"

In that great speech, delivered in the United States Senate on March 31, 1884, by Hon. ORVILLE H. PLATT, of Connecticut, who is still in the Senate and is one of its most useful members, a speech that has become a classic in literature relating to inventions and patents, a speech which ought to be read by every patriotic American citizen, and especially by lawyers who make a specialty of patent practice and by inventors, on the "Reorganization of the Patent Office," Senator PLATT said:

"That is a fine showing for an office in this Government which is not only paying its way, but paying at the rate of from $200,000 to $500,000 a year into the national Treasury.

"While I have been speaking I have received from a prominent manufacturing firm in my own State a dispatch asking me if I can not say something in favor of reducing patent fees. Mr. President, the patent fees ought to be reduced. A tax upon inventors which produces more than enough to pay the current expenses of the office is simply shameful. It is a tax upon knowledge, a tax on invention, a tax which in itself is as iniquitous and abominable as a tax upon authors or scientists would be. Still I am compelled to say that I do not want the fees paid by inventors reduced until the Patent Office becomes a separate department. I want this glaring inconsistency of the inventors of the country paying the expenses of that branch of the Government and furnishing the Government from $300,000 to $500,000 annually in addition to continue until its voice shall be heard through the land in favor of the establishment of the Patent Office as an independent department.

"Agriculturists have been slow to acknowledge their dependence on patents, but they have been loud in their demands for the enlargement of the Agricultural Department. What was the origin of the Agricultural Department? It is the child of the Patent Office. The Patent Commissioner had charge of the agricultural work from 1836 to 1862, and if I am not mistaken the inventors of the country paid the entire expense of that service in connection with the Patent Office for twenty-five years. Until 1849 there was no separate report. The Commissioner of Patents reported his work in the agricultural line, and from 1849 up to 1862, when there was a separate report, it was called the Patent Office Report, and to-day men write me for the Agricultural Report and call it the Patent Office Report. Many of the farmers in this country still believe that the Agricultural Department is in some way connected with the Patent Office.

"The Agricultural Department is the daughter of the Patent Office, but we have taken the daughter away from her mother; we have built her a fine house and furnished elegant surroundings; we have given her costly and fashionable clothing; we pet—I will not say pamper—her; we pay her every possible attention, while the old lady, her foster mother, still scrubs along in the kitchen of the Interior Department, and is never noticed except when she deposits the surplus of her daily earnings in the Treasury for the benefit of the rest of the family. It is a shame, and the inventors are beginning to regard it as a shame, and they are going to be heard in their demand that the Patent Office shall receive better treatment than it has received. I make no complaint that the Agricultural Department has been made independent; I only protest against the studied neglect of its parent."

To show that it has never been the intention of Congress to make the Patent Office more than self-sustaining, and that we may therefore reasonably expect

that Congress will, in response to a general demand therefor, enact a law which will provide for the hearing and determination of applications for extensions, and for the payment thereof by making a small draft upon the annual surplus of the Patent Office which goes to the credit of the patent fund, I give below eight extracts from the patent laws, beginning with the first act of 1790, to wit:

Section 7 of the act of 1790 provided that a patentee must pay the following fees before the issuance of letters patent, to wit: "For receiving and filing the petition, fifty cents; for filing specifications, per copy sheet containing one hundred words, ten cents; for making out patent, two dollars; for affixing great seal, one dollar; for indorsing the date of delivering the same to the patentee, including all intermediate services, twenty cents."

The total cost of a patent, estimating the specification to contain one thousand words, was $4.70.

Section 11 of the act of 1793 required the applicant to deposit $30 with his petition, said amount to be passed to the credit of the applicant "in full for the sundry services to be performed in the office of the Secretary of State consequent on such petition, and shall pass to the account of clerk-hire in that office."

Section 9 of the act of 1836 required the applicant to deposit $90, "And the moneys received into the Treasury under this act shall constitute a fund for the payment of the salaries of the officers and clerks herein provided for, and all other expenses of the Patent Office, and to be called the Patent Fund."

Section 7 of the act of 1861 authorized the Commissioner to appoint "such additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch, * * * and that the total annual expenses of the Patent Office shall not exceed the annual receipts."

An act approved March 29, 1867, entitled "An act to increase the force of the Patent Office, authorized the Commissioner to appoint, from time to time, "such additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch," provided that "the total annual expenses of the Patent Office shall not exceed its annual receipts."

An act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30,1869, and for other purposes," approved July 20, 1868, contained the following: "*Provided*, That all the moneys standing to the credit of the Patent Fund, in the hands of the Commissioner of Patents, and all moneys hereafter received at the Patent Office for any purpose, or from any source whatever, shall be paid into the Treasury as received, without any deduction whatever."

Section 69 of the act of 1870 provided that "all money received at the Patent Office, for any purpose, or from any source whatever, shall be paid into the Treasury as received without any deduction whatever; and all disbursements for said office shall be made by the disbursing clerk of the Interior Department."

Section 496, Revised Statutes, provides that "all disbursements for the Patent Office shall be made by the disbursing clerk of the Interior Department."

These extracts from the patent laws show that Mr. Young was correct in stating that the Patent Office was not designed to be a revenue office, but that the fees established by law were merely to make the Patent Office self-supporting. While the charges for an United States patent are less, in proportion to the territory and numerous interests covered, than those of any other government in the world, still these charges have produced a revenue of over $5,000,000, which amount is now increasing at the rate of from $150,000 to $200,000 (more or less) per year. As hereinbefore suggested, a very small part of this annual surplus would be required to pay the expenses of a court, board, or commission, to hear and determine upon applications for extensions, and in view of the large annual surplus and the fact that applications for extensions are largely from inventors who have failed to secure any proper reward for their inventions, and who, as a rule, have lost money rather than made it out of their patents, it seems to me that the hearing of an application for extension should involve only a nominal charge against the applicant, instead of costing him $50 or $100.

The surplus for the year 1901 was $152,012.52, which made the total surplus of the Patent Fund on January 1, 1901, $5,329,471.07. Certainly Congress will not allow the surplus fund or any portion of it to be diverted "from its legitimate uses to educational or other enterprises entirely foreign to our patent system" as long as inventors, from whom the money was received, are demanding that a small portion thereof shall be set apart to pay for investigations which will serve to carry out the great objects of the patent laws, will enable the Government to carry out its contracts with inventors, and will secure to inventors, who have acted in good faith in efforts to carry out their contracts, a further opportunity to accomplish the results contemplated by the original contract, namely, to practically promote the useful arts and to reasonably reward the inventors of such improvements.

Notwithstanding the large surplus to the credit of the patent fund, the Commissioner of Patents is engaged in a constant stife to secure appropriations to provide for contingent expenses. The writer has been fully informed of the fact that it required the cooperation of the Commissioner of Patents, the chief clerk of the Patent Office, and the chief clerk of the Department of the Interior for a period of several months in "cutting and shaving here and there" in order to provide rubber tips on legs of chairs and strips of carpet for use under the tables used by inventors and their attorneys in the attorneys' room of the Patent Office. These "improvements" were solicited by a committee, representing a law association, to prevent the noise caused by moving chairs and the feet of their occupants on the marble floors.

In speaking of the Patent Office, Senator PLATT has said: "Notwithstanding the office is self-supporting, all disbursements must be made by the disbursing clerk of the Secretary (of the Interior). The Commissioner can not order the purchase of a board to be used in reproducing a model called for in the trial of a cause without the approbation of this clerk."

While I am fully in sympathy with Congress in safe-guarding the patent fund by imposing all reasonable restrictions upon the appropriations therefrom, such as the requirements that the Commissioner of Patents shall pay "all money received at the Patent Office, for any purpose, or from any source whatever, into the Treasury *as received, without any deduction whatever;* and that all disbursements for said office shall be made by the disbursing clerk of the Interior Department," I do not share in the objection of some, that in order to secure favorable action upon a bill to undo the wrong which has resulted from the repeal of the law of 1836, which provided for the extension of patents in proper cases, it will be necessary to so frame the bill as to avoid any reduction of the surplus which would otherwise go into the Treasury of the United States. It is my conviction that if Congress can be made to believe that a small draft upon the surplus of the Patent Office receipts to pay for the hearing of extension applications "would be fruitful of so much good to inventors and the public," that such use of a small part of said surplus would not be "diverting it from its legitimate uses" and be "foreign to our patent system," but would "benefit all classes of our people and promote the useful arts," we shall find that Congress will promptly consent not only to enact an extension law of some kind, but will reduce the cost of hearing an application for an extension to an amount which may cause a small reduction of the annual surplus.

I wish here to state that a patent is not a monopoly, as that word is usually understood. I recall that in a recent speech a distinguished United States Senator said that "patents constitute the only monopolies in this country." In Blackstone's Commentaries "monopoly" is defined as "a license or privilege allowed by the King for the sole buying and selling, making, working, or using of anything whatsoever; whereby the subject in general is restrained from the liberty of manufacture or trading which he had before." Under the word "monopoly," the Century Dictionary says: "The exclusive privileges conferred on inventors and authors by the patent and copyright laws, for the sake of the encouragement of the arts and literature, and extending only to articles originally devised under that encouragement, are not deemed monopolies." In Robinson on Patents we are told that a patent "lays no burden upon the people except that of remaining for a while without that which they never yet enjoyed."

To give a general idea of the practical working of the law of 1836 as applied to the extension of patents by the Patent Office, I think it would serve a very useful purpose to present to the reader copies of the papers in two actual applications for extension. The cases which I have selected are very fair samples taken from the 672 extensions that were granted in the years 1872, 1873, and 1874. Each case comprises the petition of the applicant, under oath, giving a history of the case, including receipts and disbursements, the report of the expert examiner, and the action of the Commissioner. The first case is that of Joseph W. Fowle, the second that of Philander Shaw.

Mr. Fowle was a pioneer inventor of a "steam drilling apparatus." As Mr. Fowle's "invention was in advance of public demand," and he was "cramped" in money matters, he sold one-half of his patent to a party by the name of Jenks, who failed to promote the patent in accordance with his agreement. Although the invention was worth millions of dollars to the American people alone, and as that value was unknown to Fowle, he placed it at the very modest value of $25,000. Notwithstanding the great commercial value of the invention and the extended term of seven years given by Commissioner Holloway, Fowle was an applicant before Congress for a second extension to enable him to secure the necessaries of life. The private bill for his relief failed and poor Fowle went down to his grave unrewarded for his great invention. Fowle's working model would drill a hole 3 inches in diameter in a block of hard Quincy granite at the rate of 17 feet per hour. The Senate and House Committees on Patents, who heard and considered Fowle's application for a second extension, were informed, by perfectly responsible parties, that they would give Mr. Fowle $10,000 a year and a bond to secure the payment thereof for each year of extension that Congress would grant.

Mr. Philander Shaw, whose case was argued by the writer before the Commissioner of Patents, received about $20,000, although more than that amount had been spent in his efforts to perfect and improve his machine.

And so, if we were to examine the papers in the 672 patents that were extended during a period of three years, we should find, as a rule, that the applicants had either not been fairly rewarded, or were seeking extensions to enable them to promote their patents for the mutual benefit of the country and themselves.

The papers of Messrs. Fowle and Shaw follow in the order named:

"BOSTON, MASS., *January 3, 1865.*

"Honorable COMMISSIONER OF PATENTS.

"SIR: In the matter of my application for extension of the patent granted me March 11, 1851, for improvements in steam drilling apparatus, for which my petition was filed, December 9, 1864, and in conformity with the law and rule of your office requiring a written statement under oath of the ascertained value of the invention and of the receipts and expenditures in connection therewith, I respectfully submit the following: It is impossible for me to make any exact statement of the value of my invention for the reason that it has never yet been used in regular daily work. The reason for this is that my invention was made at a time when I was seized with rheumatism, which has, since 1856, become chronic and has crippled me to such an extent as to distort my body, especially my hands and feet, so that for a long time I have not been able to dress and undress myself, nor am I able to perform work, but gain my living by having two apprentices who do the work in my machine shop under my direction and assisted by me to the extent of my limited physical ability.

"My invention was in advance of public demand during the first years of its existence, and during the latter years I have been physically incapacitated from getting it adopted by the public, and during the whole time of its existence I have been cramped in my money matters, having only what I earn at my trade as a machinist. In consequence of my physical infirmities and lack of capital, I sold to Lemuel P. Jenks, of Boston, one-half of my patent on condition that he should use his time, influence, and abilities in introducing the invention into public use, and should make the expenditures needed for that purpose; and for the further consideration of the payment of $250 to me and the payments of the expenses of procuring the United States patent. Mr. Jenks spent some time upon the matter, but as no results followed, I concluded that I had overestimated his abilities and his financial condition, for he failed to pay Messrs. Hinckley & Drury, of this city, machinists, for the construction and material for a drill for which I made the drawings, and also to pay for taking out the patent, money for which I furnished myself.

"I was offered in 1854 $8,000 for my patent, which offer I accepted, and should have got the money, which I very much needed, but for the fact that I had also to deal with Mr. Jenks, who, in endeavoring to get more, failed to get anything either for himself or for me.

"At the present time, in consequence of the large amount of tunneling done and to be done in California and elsewhere, much of it through solid rock, I consider the value of my invention to be quite large, and as I suppose some value must be fixed upon it, I should say that its value is not less than $25,000. To enable you to form an idea of the value of the invention from its practical working, I would state that in the year of 1860 I exhibited to some members of the Massachusetts legislature the practical working of my drill. The machine exhibited had a 2¼-inch cylinder with a stroke of 10 inches. The operation was performed on a block of hard Quincy granite 8 by 4 by 2 feet, and a hole of three inches in diameter was drilled into the block at the rate of 17 feet per hour and under the disadvantage that the block moved or was driven from the drilling machine by its blows. If my patent is extended, both myself and the public will be benefited, because I shall be free from control or connection with Mr. Jenks, and my friends will supply for my benefit the funds needed, as the results will not be claimed by Mr. Jenks to the amount of one-half.

Receipts.

From L. P. Jenks..... $250.00

The above is the only receipt I have ever had for on account of the matter of my invention.

Expenditures.

Cost of material, workman's wages, rent, and estimated value of my time at daily wages expended in making an experimental working machine as nearly as I can estimate, not having kept accounts or books. $1,500

Value of my time expended in making drawings and in directing the construction of the drill before mentioned, as constructed by Hinckley & Drury, of Boston, under contract or agreement with L. P. Jenks, and for which they were not paid, about..... 250

Cost of making model filed in the Patent Office, about	$50
Cost of a finished portable working model designed to exhibit and introduce the invention	200
Paid for procuring the patent	75
	2,075

The above are not all of my expenditures either of time or money, but are all I can now state with certainty under oath.

Expenditures	$2,075
Receipts	250
Excess of expenditures over receipts	1,825

(Signed) JOSEPH W. FOWLE.

(Jurat.)

In the matter of J. W. Fowle.

Extension.

In the matter of the application of Joseph W. Fowle for extension of letters patent (No. 7972) for steam drilling machine.

Upon examination of the testimony and exhibits filed in this case it is found:

1. That the invention is novel.

2. That its utility has never been practically tested. The testimony of three chief engineers and mechanics make their statements showing its utility and practicability, and its construction gives evidence of great mechanical skill on the part of the inventor.

3. Its value and importance to the public is also produced upon the statements of the witnesses referred to, no other evidence having been submitted except that of the oath of the applicant.

4. The statement of account shows that the only amount received by the applicant was the sum of $250, and the expenditures $2,075. The want of success in the sale or manufacture of this machine is alleged to be that the invention was in advance of public sentiment, and physical disability on the part of the applicant prevented him from taking an active interest in the invention. The $250 above referred to as being used was for the sale of one-half interest in the patent. No internal-revenue certificate is attached to the sworn statement of the applicant, which is received and submitted.

(Signed) B. F. HARRIS.
Chief Clerk.

UNITED STATES PATENT OFFICE,
March 2, 1865.

Application of Joseph W. Fowle for an extension of the letters patent for a steam drill granted him the 11th of March, 1857.

Upon reference from the Commissioner to the examiners-in-chief.

The examiners-in-chief respectfully report in pursuance of said reference as follows:

There seems little or no room for hesitation in granting this petition; the novelty and usefulness of the invention have been considered by the primary examiners and have been found sufficient. Its value and importance are abundantly established by affidavits. It is true that the affidavits place no exact estimate upon it, as it is obvious they could not add to their testimony, but their testimony is none the less satisfactory upon that account. The patentee has never received but $250 from it, and it hardly needs any statement of profits to produce the conviction that he has "not been adequately remunerated for his time and expenses in originating and perfecting his invention."

The only question that remains is as to his having "used due diligence in introducing his invention into general use." It is shown that soon after he obtained his patent he became an invalid through chronic rheumatism, and has ever since been rendered incapable of labor or of active exertion. In order to bring his machine into use he sold one-half of the invention for the above sum of $250. The purchaser was to furnish in addition necessary funds to defray the expenses of procuring the patent and build experimental machines, and was also to make the efforts requisite to bring the machine into public use. In all this he utterly failed, and the negotiations turned out to be a fatal obstacle in the way of all endeavors to bring the invention into the market, instead of facilitating them. No one was willing to embark in an undertaking while another was to share equally in the profits. As this right expires with the original term of the patent, the applicant's friends are now ready to furnish the assistance requisite to introduce the invention into general use. That this has not been done before, and that the inventor has received no adequate reward for his ingenuity, is owing to no neglect on his part, as is manifest from the slight sketch which has been given of the history of the device.

We respectfully recommend that the prayer of the petitioner be granted.

All of which is submitted.

(Signed) J. H. HODGES,
T. C. HEATON,
J. T. COOSLEY,
Examiners-in-Chief.

PATENT OFFICE, WASHINGTON,
March 6, 1865.

The foregoing report is approved, and the term of the said patent is hereby extended for a term of seven years from and after the 11th day of March, 1865.

(Signed) D. P. HOLLOWAY,
Commissioner.

To the Commissioner of Patents:

Respectfully representing Philander Shaw, of Boston, in the county of Suffolk and State of Massachusetts, that he is the inventor of a certain novel and useful improved air engine, which is of great value and importance to the public; that on the 2d day of May, A. D. 1854, your petitioner obtained letters patent of the United States for said invention, to which your petitioner craves leave to refer for a more full description thereof; and that afterwards, to wit, in or about July, A. D. 1860, said letters patent were surrendered by your petitioner, and were afterwards, to wit, on the 17th day of July, A. D. 1860, reissued to your petitioner with an amended and more perfect specification, to which your petitioner craves leave for greater certainty to refer.

That your petitioner has been at great expense and charge in introducing his said invention to the public, has expended nearly all of his time and great sums of money in perfecting his said invention and in experimenting for its improvement, and that he has not yet received any return for his time and expense in originating and perfecting his said invention—any adequate remuneration—nor in fact has been repaid the expenses he has incurred in originating, developing, and perfecting his said invention.

And that from and after the date of said letters patent, to wit, from said 2d day of May, A. D. 1854, your petitioner has used all due diligence in introducing his said invention into general use.

Wherefore, your petitioner prays that the letters patent issued to him for his said invention may be extended for the further term of seven years from the 2d day of May, A. D. 1868.

Signed at Boston this 13th day of January, A. D. 1868.

(Signed) PHILANDER SHAW.

In the matter of the application of Philander Shaw for an extension of his letters patent for his air engine, granted May 2, 1854, and reissued July 17, 1860, and April 23, 1861.

The applicant in this case seeks to extend his patent, and gives as a reason that he has not been adequately remunerated for his time, ingenuity, and expenses in perfecting and introducing his invention.

As to the novelty of the device, it may be said that including the present examination, the case has been four times passed upon by this office, and each time, at least by inference, declared as it is now believed to be, novel.

In reference to its utility no doubt exists.

Is it valuable and important to the public? In answer to the above question it may be said that its value and importance have not been very thoroughly tested, as it appears from the statement of the applicant that only four of the engines are in successful operation. It is proper to say, however, in this connection, that Mr. C. C. Parker, a person apparently well qualified to judge, regards the invention as very valuable and important. What its value to the public is no attempt is made to show.

Has the inventor been adequately remunerated for his time and expense in originating and perfecting it?

Here the examiner is left entirely in the dark, as by the admission of the applicant he has not kept any account of his receipts or expenditures on account of the patent, and the only approximation which he can make to such amounts, as he says, "to the best of his knowledge and belief, he has received $20,000 from his invention and has expended the same amount.".

In this connection, Mr. Nathaniel Harris states that he has been well acquainted with Mr. Shaw's efforts to perfect and introduce his invention. That during all of those years he has devoted himself entirely to the work, but he (Harris) believes that it has been a source of loss to the inventor.

In reference to the diligence of the applicant in introducing the invention into public use, there does not seem to be any reason to doubt that a due amount has been used. The statements of Mr. Harris, Mr. Parker, and Mr. Edson confirm and, it is believed, prove this fact.

From what has been said it will be seen that the only question which remains in doubt is the amount of compensation received and which should be passed to the credit of this patent. The applicant states that all he has received has been expended or is pledged for indebtedness, but he is reminded that all he has received may, or may not, be on account of this patent, while what he has expended and what he owes may not be in any sense chargeable to such patent.

It is to be regretted that persons intending to apply for extensions of their patents will not keep such accounts of the receipts and expenditures as will enable those whose duty it is to decide upon the merits of their case the means of doing so intelligently and of carefully comparing their rights with the rights of the public, so that neither be insensed (?), as is quite likely to be the case in the absence of a statement showing clearly how much the applicant has secured and the public have paid.

In the present case it appears that $20,000 is the gross amount received, and the only process for arriving at a conclusion seems to be by determining whether that amount, if at all be placed to the credit of the patent, is an "adequate remuneration" to the inventor for his time and expenses in originating and perfecting his invention, in view of what that invention is worth to the public.

In the matter of the petition of Philander Shaw for extension of his patent for an improvement in air engines.

COMMONWEALTH OF MASSACHUSETTS,
County of Suffolk, ss.

On this 15th day of April, A. D. 1868, before the subscriber, a justice of the peace for the said county and Commonwealth, personally appeared the abovenamed Philander Shaw and made solemn oath as follows:

The patent for which I now ask an extension, covers an invention which forms an important feature in the machine I am now making. My subsequent patents, cover inventions for improvements arising from my attempts to perfect the original invention.

As my expenditures on this patent began about fifteen years ago and my receipts about seven years ago, it is absolutely impossible to give exact accounts, my time and mind having been entirely engrossed with producing a perfect air engine and not with financial matters.

To the best of my knowledge and belief, I have laid out on this invention $20,000, which amount has been received; none of the amount of $20,000 has been expended upon any matter not directly connected with this invention, for the purpose of rendering it of utility to the public.

(Signed) PHILANDER SHAW.

Commonwealth of Massachusetts, county of Suffolk, April 15, 1868.

Subscribed and sworn to before me.

GEORGE PUTNAM,
Justice of the Peace.

In the matter of Philander Shaw for an extension of his patent for an improvement in air engines.

COMMONWEALTH OF MASSACHUSETTS,
Suffolk County, ss.

On this 10th day March, A. D., 1868, before the subscriber, a justice of the peace for the said county and Commonwealth, personally appeared the abovenamed Philander Shaw and made solemn oath as follows:

1. That since the original patent for my said invention was obtained, I have been constantly engaged in perfecting and improving it. I believe it to be entirely novel.

2. That my experience and the experience of others engaged in the practical use of my machine demonstrates that they will do twice as much work with a given amount of fuel as any other engine. It is the only air engine that has been successfully used of large sizes.

3. That I believe it to be valuable and important to the public, for the reason that it will accomplish a great saving in expense over other engines capable of doing the same amount of work, and that it can be used where steam engines would be unable to work for want of water. As there is no danger of explosions, it is also safer than the steam engines.

4. That I have not been adequately remunerated for my time and expense in originating and perfecting my said invention. I have devoted nearly the whole of my time and attention for fifteen years to the development and perfecting of my said invention, and I have invented several improvements which have been patented, and it is impossible to separate them from the original invention in such a way as to ascertain accurately the value of the latter, or the precise amount which I have received and expended on account of it. But all the money which I have received from the invention has been expended on it or pledged for indebtedness incurred in developing, improving, and perfecting it. In the course of my experiments with this invention numerous changes and improvements have been made, all requiring time and expense to make the necessary changes and experiments upon them and a sufficient length of time to test them. These numerous improvements, some of them of great value, depend upon the original invention and need the patent of that invention to secure them to me. Want of capital has, at times, greatly interfered with my progress in perfecting and introducing my machine. The experiments are expensive and it takes much time to test all the qualities of an engine, as well as to overcome the prejudices against the use of a new machine. The numerous failures in air engines have reduced the public desire for them, and this distrust can only be removed by long-continued, successful working; but at present there are four in actual operarion; some of them have been a long time at work and they are giving satisfaction. There is also a greater interest in them and an increasing disposition to try them, and if the patent be renewed there is every reason to believe that it will be remunerative.

(Signed.) PHILANDER SHAW.

Subscribed and sworn to on the day first herein mentioned by said Philander Shaw before me.

(Signed.) GEO. PUTNAM,
Justice of the Peace, Suffolk County.

Should the conclusion be reached that the inventor has not been thus remunerated, then it is suggested that the patent ought to be extended, as all the other points seem to the examiner's mind to be clear and in favor of such a result.

Respectfully submitted.

J. M. BLANCHARD,
Examiner in Charge.

Hon. A. M. STOUT,
Acting Commissioner, United States Patent Office.

APRIL 17, 1868.

APRIL 20, 1868.

It is ordered that this patent be extended for seven years from the date of expiration.

A. M. STOUT,
Acting Commissioner.

PLATE 1.—*The heavy line shows graphically the facts shown by the averages obtained in Table I, Group 1. The dotted line represents similar averages obtained for each year from 1881 to 1901.*

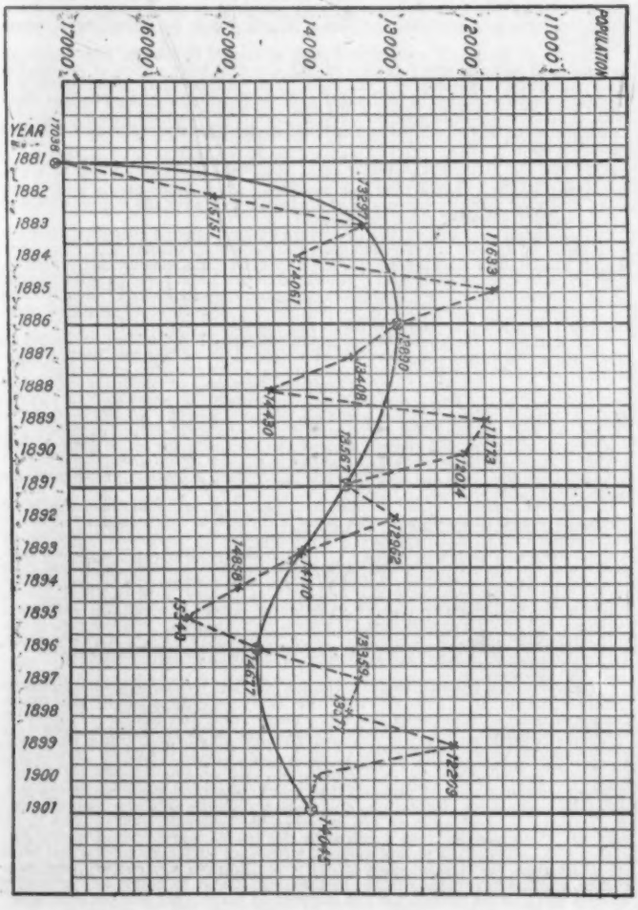

PLATE 2.—*The heavy line represents graphically the facts shown by the averages obtained in Table I, Group 2. The dotted line represents similar averages obtained for each year from 1881 to 1901.*

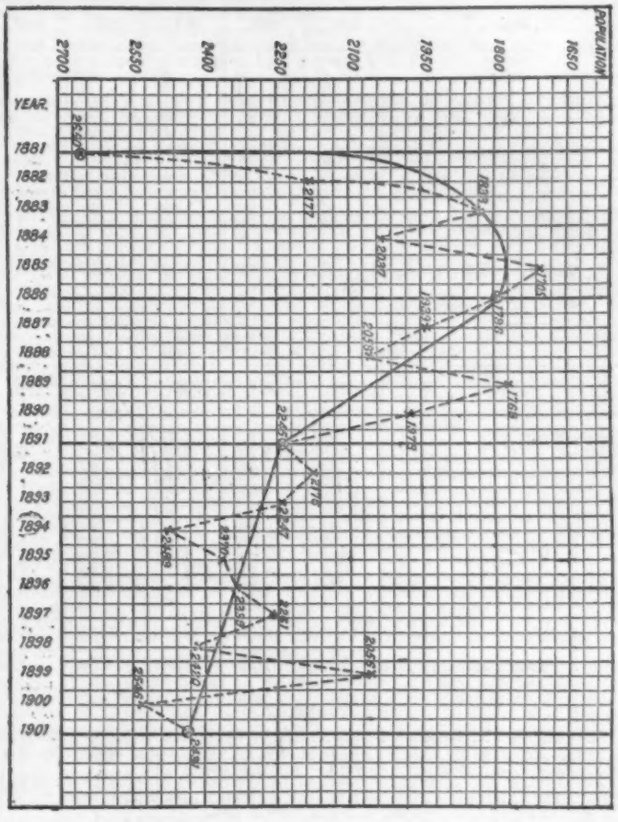

TABLE I.—*Showing the ratio of patents issued to the population in each of the following States, there being one patent to every—*

GROUP 1.

State.	1881.	1886.	1891.	1896.	1901.
Alabama	26,861	21,398	18,451	13,880	22,300
Florida	12,833	6,573	7,527	7,116	9,972
Georgia	16,582	11,015	14,817	14,354	14,874
Kentucky	9,527	6,568	9,531	9,387	9,849
Louisiana	12,701	9,894	9,168	8,410	11,413
Mississippi	27,599	21,761	20,469	27,438	18,038
North Carolina	21,871	18,663	21,288	23,796	18,386
South Carolina	22,123	21,640	23,492	31,976	28,517
Tennessee	17,413	11,340	10,978	12,625	10,415
Texas	8,991	5,984	6,744	7,527	8,993
Virginia	14,005	12,398	10,036	10,753	9,657
West Virginia	14,055	7,451	10,308	8,860	8,125
Total	204,461	154,685	162,809	176,119	168,544
Average	17,038	12,890	13,567	14,677	14,045

GROUP 2.

State.	1881.	1886.	1891.	1896.	1901.
Connecticut	898	729	1,018	1,759	1,198
Illinois	2,743	1,711	1,904	1,874	1,984
Indiana	4,415	2,830	3,846	3,564	3,812
Massachusetts	1,043	842	1,055	1,177	1,472
Michigan	3,058	2,151	2,874	2,987	3,198
Minnesota	5,387	2,711	3,698	3,719	4,199
Missouri	5,288	3,165	3,408	4,059	3,840
New Jersey	1,367	1,225	1,505	1,453	1,572
New York	1,584	1,233	1,535	1,545	1,773
Ohio	2,909	2,000	2,427	2,276	2,417
Pennsylvania	2,119	1,871	2,303	2,267	2,221
Rhode Island	994	1,101	1,191	1,383	1,581
Total	31,805	21,549	26,944	28,063	29,267
Average	2,650	1,796	2,245	2,339	2,439

TABLE II.—*Showing the number of patents issued in each State named in each of the following years.*

GROUP 1.

State.	1881.	1886.	1891.	1896.	1901.
Alabama	47	59	82	100	82
Florida	21	41	52	55	55
Georgia	93	140	124	128	149
Kentucky	170	251	195	198	218
Louisiana	74	95	122	132	121
Mississippi	41	52	63	47	86
North Carolina	64	75	76	68	103
South Carolina	45	46	49	36	47
Tennessee	88	136	161	140	194
Texas	177	266	330	297	339
Virginia	106	122	165	154	192
West Virginia	44	83	74	86	118
Total	972	1,366	1,493	1,442	1,702
Average	81	114	124	120	142

GROUP 2.

State.	1881.	1886.	1891.	1896.	1901.
Connecticut	693	854	733	983	758
Illinois	1,122	1,798	1,968	2,041	2,430
Indiana	488	699	570	615	660
Massachusetts	1,708	2,116	2,122	1,901	1,905
Michigan	537	768	752	701	757
Minnesota	146	288	352	350	417
Missouri	410	685	786	660	809
New Jersey	827	923	960	994	1,198
New York	3,207	4,121	3,907	3,882	4,098
Ohio	1,630	1,599	1,513	1,613	1,720
Pennsylvania	1,502	2,289	2,197	2,319	2,837
Rhode Island	278	351	290	249	271
Total	12,017	16,391	19,150	16,308	17,861
Average	1,001	1,366	1,263	1,359	1,488

TABLE III.

Showing that in the section represented by the States in Group 1 there was 1 patent per annum to every 17,038 in 1881; to every 12,890 in 1886; to every 13,567 in 1891; to every 14,677 in 1896; to every 14,045 in 1901.

And that in the section represented by the States in Group 2 there was 1 patent per annum to every 2,650 in 1881; to every 1,796 in 1886; to every 2,245 in 1891; to every 2,339 in 1896; to every 2,439 in 1901.

TABLE IV.—*Showing the dates of issue and dates of expiration of the seventeen-year patents issued from 1861 to 1878.*

Patents issued in	1861	1862	1863	1864	1865	1866	1867	1868	1869
Expired	1878	1879	1880	1881	1882	1883	1884	1885	1886
Patents issued in	1870	1871	1872	1873	1874	1875	1876	1877	1878
Expired in	1887	1888	1889	1890	1891	1892	1893	1894	1895

In 1878, and not before, were the patentees of 1861 in possession of the full results of the first year's issue of seventeen-year patents. In 1879 the patentees of 1862 were in possession of the results of the second year's issue of seventeen-year patents, and so on up to the year 1895, at which date, and not until then, were inventors in possession of the results of the first seventeen years of patents issued for seventeen years, and in a position to make comparisons of patents issued for a single term of seventeen years, without extension, with patents issued for fourteen years with extension. Referring to Tables I, II, III, and IV, and to plate 1, group 1, of Table 1, shows the population in twelve Southern States, divided by the number of patents issued to citizens of said States for the years given at the head of the columns of figures, e. g. in Alabama, the number of patents issued to citizens for the year 1881 was one patent for every 26,861 of her population, and so on for each succeeding fifth year, 1886, 1891, 1896, and 1901. By means of this table the increase and decrease of the number of patents per annum, in proportion to population, in each of the States named in said group, for the five years above given, can be seen.

The same explanation applies to Group II of the same table. Comparison may be made between the States of the same group and between States of different groups, and between the averages of one group for the five periods named, with similar averages in the other group for the same periods.

Comparing Mississippi and Texas of the first group, we find that, in 1881, these States received one patent per annum for each 26,861 and 8,991, respectively, of their population. Comparing Mississippi and Texas, representing the highest and lowest averages in the first group, with Connecticut and Minnesota representing the highest and lowest averages for the second group, we find that, in 1891, Mississippi and Texas obtained one patent per annum for each 27,599 and 8,991 of population, respectively, whereas Minnesota and Connecticut obtained one patent per annum for every 5,387 and 898, respectively, of population. Texas in one group and Connecticut in another group obtained more patents in the year 1881, in proportion to their population, than any of the other States of the groups in which said States are classed.

Table No. II shows the number of patents issued to citizens of the 12 States named in each of the two groups of States in Table I, for the years 1881, 1886, 1891, 1896, and 1901.

Table III shows the population of each group of States given in Tables I and II, divided by the total population of each group of States for the years 1881, 1886, 1891, 1896, and 1901.

Comparing the States in Group 1 with the States in Group 2, we find, by reference to Table III, that for the year 1881 the number of patents issued to the citizens of the 12 States named in Group 1, was one patent for every 17,038 of the total population, and that the number of patents issued to citizens of the 12 States named in Group 2 was one patent for every 2,650 of the total population. If desired, similar comparisons may be made for the years 1886, 1891, 1896, and 1901.

The irregular unbroken line in Plate No. 1 shows graphically the increase and decrease of invention, in proportion to population at intervals of five years in the States named, as given in figures in Group 1 of Table I and Table II. The dotted line shows the variation from year to year instead of every five years. The unbroken line and the broken dotted line in Plate 2 present a similar illustration of the increase and decrease of invention, etc., in the States named in Group 2 of Table I and Table II.

It will be seen that in each group of States the increase and decrease of patents from 1881 to 1896 was about the same in each group of States, but that from 1896 to 1901 the number of patents increased in the Southern States, Group 1, while there was a material further decrease in the Northern States, Group 2. With the exception of the increase of patents in the 12 Southern States from 1896 to 1901, there has been a gradual decrease in the number of patents issued to citizens of the 24 States, in proportion to the population, ever since 1886.

Manufacturing and the commercial upbuilding of the "New South," have not only arrested the gradual decline in invention in the twelve Southern States, but has materially increased the number of patents issued to their citizens from 1896 to 1901.

This awakening and emergence of the new South from the old was prophesied by Commissioner Holloway in 1863. (Patent Office Report.)

The imagination fails to conceive of the happy future in store for this country when its fairest portion shall be regenerated by a just system of labor, and conquered by free industry; when its land by this change shall, according to the remarkable estimates of Mr. Walker, have an increased value of over six billions of dollars; and when a whole race shall be taught to think, contrive, and create. The richest field of invention, with its fruits of wealth and visions of prosperity, will then be opened that ever occupied the faculties of man. The visions of Virgil and Milton will be realized, and

"Time will run back and fetch the age of gold."

The tables and plates herein shown were prepared from data obtained from the official reports of the Commissioner of Patents.

Taking the ratio of the patents issued to the population in the South as a base, an examination of Tables I, II, and III, and plates 1 and 2, shows that the North received six and five-tenths, seven and three-tenths, six and five-tenths, and five and seven-tenths, as many patents as the South in the years 1881, 1886, 1891, 1896, and 1901, respectfully. These figures show that there has been a gradual increase in the number of patents issued in the South in proportion to its population, whereas in the North the number of patents issued in proportion to the population has gradually decreased.

This is certainly a remarkable exhibition and shows that inventive genius in the South has been increasing since 1896, while it has gradually decreased in the North.

Table IV shows that patents issued for seventeen years from 1861 to 1878, expired from 1878 to 1895.

In a pamphlet, prepared by W. C. Dodge, and published as Senate document No. 488, Mr. Dodge states: "The capital invested in manufactures in the South has grown from $257,000,000 in 1880 to $1,000,000,000 in 1899, and in the decade of 1880 to 1890, her real and personal property increased from $7,000,000,000 to $11,400,000,000, and this is largely due to her engaging in manufactures."

We should therefore understand that although the act of 1836, allowing extension of patents, was repealed in 1861, the first year's issue of seventeen-year patents did not expire until 1878. The patents that were issued for fourteen years previous to 1861 came up for extension in greater or less numbers, until March 2, 1875, at which date the last fourteen-year patents expired. It will be seen, therefore, that no patents expired between March 2, 1875 and March 2, 1878.

Now, what cause, or causes, led to the gradual decrease in invention, from 1836 to 1901, counting back fifteen years from the last annual report of the Commissioner of Patents that was available when these tables and plates were prepared, in the two groups of States named, with the exception noted in the Southern States, from 1896 to 1901?

The necessity for a general law providing for extension of patents is strongly supported by an able and learned argument of Mr. Lysander Hill, in a paper which I heard him read before the American Bar Association on August 29, 1892, and which was subsequently published in pamphlet form by special order of the association, entitled Preliminary Injunctions in Patent Cases. Judge Hill takes the position that if section 4921 of the Revised Statutes were amended by adding thereto the following words:

"Injunctions to restrain infringements pendente lite shall not be denied on the mere ground that the patent is of recent date or has not been adjudicated." It would cut off scores of applications to Congress for extensions, "imperatively demanding justice from Congress by reason of the broken promises and bad faith of the Government," not the legislative or executive, but the judicial branch thereof, in not securing to patentees the exclusive right to make, use, and sell their improvements during the entire life of their patents. Such cases as Judge Hill describes show the necessity for some general law which will enable a patentee to secure an extension of his grant for a period equal to that which he has lost through unforeseen litigation, or other causes beyond his control.

Of course a patentee is not obliged to sue an infringer, and thus bring upon himself the cost of a suit and the delay, etc., which the refusal of a motion for a preliminary injunction may involve, but having concluded to commence a suit, if the expense of the trial, the competition arising from such infringement, and his inability to make his patent productive while ligitation is in progress, leaves him without remuneration, does not good faith and justice on the part of the Government, under the contract with the inventor to "secure" to him the "exclusive" right to the patented invention, entitle the inventor to have his patent extended for a term that will give him the statutory seventeen years of "exclusive" right, especially if the inventor has lost, rather than made money, while the public has been greatly benefited?

Judge Hill says:

"Under such a constitutional provision, as held by the Supreme Court in Grant *vs.* Raymond (6 Pet., 218) and other cases, patents issued for new inventions are contracts between the Government and the patentee, by which the Government agrees 'to secure' to him, for the term of his patent, 'the exclusive right to his discovery.' * * * The public began to realize that the law had created a new industry—that of making inventions—and that it opened to every man, even the poorest, the opportunity for sudden wealth. With the amendments of 1819 and 1836, which practically perfected the law, valuable inventions and discoveries multiplied with amazing rapidity, and the country entered upon an era of industrial progress unexampled in all history. Congress, in close touch with the people, participated in the general appreciation of the patent system, witnessed with satisfaction and pride its effect upon the development of our manufactures, agriculture, and commerce, and has never since failed to maintain it and to adopt any measures agreed upon by its friends for the purpose of improving and perfecting it."

* * * "This neglect of the Federal courts to give due weight, on motion for preliminary injunction, to the almost conclusive presumption of validity which inheres in American patents from the moment of their issue, has inflicted and is inflicting an injury to our patent system and to the owners of patent property, which it is difficult to overestimate."

* * * "If infringements begin early enough there can then be no period of 'exclusive possession' or 'acquiescence,' and the patentee is obliged to wait until the final decree on the merits of the case, and then await the result of an appeal before he can receive any relief. Experience has shown that if the defendant be rich, and disposed to make a stubborn fight, he can delay the final hearing, and the hearing on appeal, from five to ten years, and in some cases almost or quite to the end of the term of the patent. Meanwhile, he is using the invention, and, perhaps, making a fortune out of it; and his success in pirating the patentee's property and avoiding punishment induces other infringers to enter the field, deters capitalists from coming to the aid of the patentee, and destroys the market value of the patent. I have encountered a case, in my own practice, where my client, who had made and patented one of the most valuable inventions of modern times, was obliged to spend the entire term of his patent in wearisome and expensive litigation. Just as the patent was expiring the courts decided that it was broadly valid; but it was then too late to be of any substantial benefit to the patentee. He had exhausted his financial resources in the long struggle; had been obliged to witness infringers making millions out of his invention, while capitalists declined to embark in his enterprise by reason of the infringements and of the want of protection; had seen even the Government itself profiting from it to the extent of about ten millions of dollars, through its infringing contractors, while its courts were refusing protection, and had been all the while unable to put his invention into use for his own benefit, because, under the conditions existing, capitalists declined to furnish the means necessary for that purpose. To him the Constitution and the patent statutes passed in pursuance thereof were more than 'hollow mockery'—they had actually enticed him to his ruin, by holding out the promise of protection, which the courts, for seventeen years, refused to perform. Under the practice by which that was done, every inventor who makes a valuable invention or discovery that requires a large capital to operate it, is liable to the fate of my unfortunate client; and the greater the money-making capacity of the invention, the greater the temptation to infringe, and the more stubbornly will the infringer contest, while his large profits enable him to protract the litigation almost indefinitely at the sole expense and risk of the patentee, for it is out of his property that all the expenses on both sides are paid. The rigid technical rules governing accountings in patent cases practically prohibit the recovery of profits or damages, and the infringer is left to enjoy his ill-gotten gains.

"The time thus lost to the patentee is the most valuable portion of his term, when usually he is poor and needs protection to enable him to establish his business and secure a market, or to enable him to dispose of his patent for an adequate consideration. It is then that infringement is most disastrous to him: for it impairs public confidence in his rights, prevents capital from investing under them, encourages others to infringe, and by unscrupulous and ruinous competition destroys the possibility of deriving profits from his patents. In fact I have known many cases where through the inaction of the courts the patent has been of vastly greater protection to the infringer than to the patentee.

* * * * * * *

"To appreciate the gross injustice and illegality of the present practice, look at a few simple and indisputable facts: The Constitution gives Congress only one authority in the premises, namely, the authority to 'secure' to the inventor 'the exclusive right' to his invention or discovery 'for limited times,' leaving it to that body to fix the limit; Congress (Rev. Stat., sec. 4884) has fixed the limit at seventeen years, and has declared the right 'exclusive' for that period; and (sec. 4921) it has given the Federal courts power to grant injunctions 'to prevent the violation of any right secured by patent.' By the plain language both of the statutes and the Constitution the right is to be secured to the inventor, is to be exclusive, and is to run, not for a portion of the period limited, but for the whole of it; and the purpose of the entire provision is 'to promote the progress of' the 'useful arts.' By the practice of the courts, however, the right is not secured to the inventor, is not exclusive, does not run for the period limited, and the effect is not to promote, but to retard, the progress of the useful arts. The courts, conceding themselves to be destitute of authority to lengthen the term of the patent, assume the authority to shorten it to any extent they may please by simply refusing to enforce the right until years have elapsed after the beginning of the term. * * *

"There is another strong reason why the present practice should be abolished, and that is, that such a change will materially conduce to the relief of Congress from extension cases in the future; whereas, under the practice now prevailing, such cases are liable to be multiplied almost indefinitely, and to demand much time and labor which could be profitably employed on matters of general legislation. Patentees who are robbed of protection by the courts for a considerable portion * * * of the term of their respective patents, have a strong equitable claim upon the Government to make good its promise of protection for a period of seventeen years. They plead, with irresistible force, that the Government has practically repudiated its solemn contract, and by false pretenses of future protection, has cheated them out of their inventions. * * * No Congressman possessed of a fine moral sense, trained in the study of law and equity, can turn a deaf ear to petitions asking for such manifest justice; and the result is that much valuable time is employed in hearing and in considering them."

The amendment to 4921 R. S., proposed by Judge Hill, would, if made, undoubtedly reduce the number of applications for extension, either to Congress under the law as it now exists or under any new law that may be passed conferring jurisdiction of extension of patents upon some court or commission. But, whatever the law may be, there will always be a certain percentage of cases in which the inventor may be justly entitled to an extension; hence the necessity for a general law, irrespective of the future action of the courts, to enable an inventor to secure an extension, since no amount of care and diligence on the part of judges in administering the patent laws can overcome the necessity of providing some general law for the extension of patents which shall do away with the necessity of the passage of private bills by Congress. Remember the facts brought out in the Fowle extension case, hereinbefore repeated.

Fowle had a great and valuable invention, but having brought on great physical disabilities, partly through exposure while experimenting with his invention, being anxious to promote it, he sold a half interest to a man whom Fowle supposed to have means, and who agreed to build machines, etc., but Jenks, the assignee, failed to keep his contract, even to the extent of paying the attorney for his services in preparing and prosecuting the application for a patent, and held on to his half interest to the end of the term of the patent, thus disabling Fowle from getting another partner in Jenks's place. Fowle having impoverished himself and being in poor health, was in no position financially to bring a suit against Jenks to enforce specific performance of his contract or to have the assignment canceled. The case of Fowle bears out the statement of ex-Commissioner Leggett, which statement is also confirmed by the experience of every attorney who was in practice under the old law, that frequently the extended term of a patent is the only portion of the entire term that is remunerative to the inventor, he having under press of financial depression been obliged to sell a portion or even the entire interest in his patent for practically a nominal amount.

To prevent the general decline in invention—which is partly due to the failure of the courts, under the present practice, to grant preliminary injunctions, which would be granted if the prevailing practice did not prohibit it, and partly to the hopelessness of present efforts before Congress to secure the extension of a patent by a private bill—further legislative action is necessary.

ALTHOUGH HAVING THE BEST PATENT SYSTEM ON EARTH, EXTENSIONS SHOULD BE GRANTED WHEN INVENTIONS HAVE NOT BEEN PLACED ON THE MARKET, OR INVENTORS HAVE NOT BEEN SUITABLY REWARDED—ON GROUNDS OF PUBLIC POLICY, AND TO CARRY OUT IN GOOD FAITH THE CONTRACT BETWEEN THE GOVERNMENT AND INVENTOR, THE INVENTOR SHOULD BE GRANTED, IN PROPER CASES, AN EXTENSION OF HIS PATENT—DEBT OF GOVERNMENT TO ITS INVENTORS.

We must not think because we are in possession of a picture and specification of an invention, that no benefit will come from an extension. If no one but the inventor thinks his device useful, or believes that it possesses commercial value, no one but the inventor will develop it; hence, the public will suffer no harm by granting him an extension. If, during the extended term, it is satisfactorily demonstrated that the invention possesses merit, then both the people and the inventor will be benefited by the extension. In such a case the extension will accomplish three things: It will encourage other inventors; it will encourage and reward the particular inventor, and it will give the public the benefit of the further efforts of the inventor to develop a new industry.

If unsuccessful inventors should be given additional time in which to perfect or promote their inventions, how much stronger are the claims of those who have actually succeeded in demonstrating the practicability of their inventions but require more time to manufacture their improvements and place them on the market. Shall not they who have fathered an idea, reduced it to a form in which it will be beneficial to mankind, studied and corrected its faults and imperfections, receive their rewards so justly earned, or shall they be cut off from that which is their own just as it is ready to take its place in the world's economy? Public policy demands that extensions be granted to both classes alike; to the unsuccessful, for they may become successful; and to this class who have only demonstrated the practicability of their inventions but have not yet obtained their reward.

Dickens, poor inventor, said:

"Is it reasonable to make a man feel as if, in inventing an ingenious improvement meant to do good, he has done something wrong? How else can a man feel after he is met with difficulties at every turn? * * * And look at the expense, how hard on me, and how hard on the country, if there is any merit in me (and my invention is took up now, I am thankful to say, and doing well), to put me to all that expense."

Is it not plain that invention will decline, or be at least retarded to some extent, if the country has an inventor here and there who has attracted public notice by his efforts and expenditure, even to the point of personal sacrifice of himself and family, to add something to the sum of human knowledge and who, perhaps in advanced life, finds that the labor of a lifetime is to remain unrewarded and unproductive either to himself or his family because, through some matter beyond his control, his patent expired before his work was accomplished? Will not other inventors, or would-be inventors, look at him in his sorrow and disappointment and say: "No; I do not care to repeat his experience even to benefit my country and the world in general; I can not afford it. The Government will not protect me beyond the term of my original grant, no matter what misfortunes and disappointment I may encounter, through ill health, litigation, the execution of unwise contracts, or inexperience, my invention being ahead of the times, or finding unlooked for obstacles in the way of creating a market for my improvements."

I know that such cases are merely exceptions to the rule, that about 95 per cent or more of patentees would not ask for extensions if they could, having either received a just remuneration or something better having taken the market. Of course death of patentees would cut off many applications that otherwise would be made.

But assuming that applications for extensions under a general extension law would amount to 5 per cent, or even less, may that 5 per cent not contain a Whitney, a Fulton, a Park, a McCormick, a Bessemer, a Wood, a Henry, a Goodyear, a Morse, a Bell, an Edison, a Marconi, and thousands of others who have added to the progress of the world and promoted the comfort and happiness of mankind, to say nothing of the hundreds of thousands of lesser lights who have not only benefited themselves but have added more or less to the glory of their country.

Why should a nation voluntarily cut itself off from the benefit that it would secure, be it more or less, from the passage of a general extension law? By making it possible, through such a law, to reduce the per cent of failures, a corresponding increase would result in favor of those who succeed. As far as the public is concerned, a patented improvement that is not on the market is a failure.

It will be seen that the decline in invention began about seventeen years ago, and about seven years after the seventeen-year patents began to expire.

In other words, not until inventors began to learn that the Government's contract to protect patentees in the "exclusive" enjoyment of their rights for a period of seventeen years was in some cases insufficient did the decline in inventions set in. In 1886, when the decline set in, seventeen-year patents, for a period of seven years, had expired, and thus the country began to learn of the insufficiency of that term in some cases. Some men object that an extended term may not find the patented device on the market. To which I answer that if one extension has merely resulted in the reduction of the 5 per cent of the failures, the public interests, and justice to the inventor, demand that a further extension should be granted. The writer's view is that the extension of patents is at the risk of the patentee, with the public as a possible beneficiary without any risk or expense.

Some may object that the extension of a patent with a dominating claim serves to limit invention in the line of improvements. My experience is that in making a contract with the owner of a dominating patent the holder of a later subordinate patent for improvement is, as a rule, on an equal footing with, if not better footing than, the owner of the dominating patent, and that the former is as firm in his position as to terms as the latter. The dominating patent, being older, will expire first, and the improvements may be necessary to his machine to enable him to compete with others, etc.

Applications for extensions of patents may be divided into two general classes: First, those in which the inventions have been actually reduced to practice and which may have been placed on the market and have secured a distinct status in trade, although the inventors have not received just remuneration for their inventions; and, second, those in which the inventors, although they have exercised due diligence, etc., have not been able to place their inventions upon the market, but are confident that they would be able to do so provided their patents were extended.

SEC. 159. The right of property which an inventor has in his invention is

excelled in point of dignity by no other property right whatever. It is equaled in point of dignity only by the rights which authors have in their copyrighted books. The inventor is not the pampered favorite or beneficiary of the Government or of the nation. The benefits which he confers are greater than those which he receives. He does not cringe at the feet of power nor secure from authority an unbought privilege. He walks everywhere erect and scatters abroad the knowledge which he created. He confers upon mankind a new means of lessening toil or of increasing comfort, and what he gives can not be destroyed by use nor lost by misfortune. It is henceforth an indestructible heritage of posterity. On the other hand, he receives from the Government nothing which costs the Government or the people a dollar or a sacrifice. He receives nothing but a contract which provides that for a limited time he may exclusively enjoy his own. Compared with those who acquire property by devise or inheritance, compared with those who acquire property by gift or marriage, compared with those who acquire property by profits on sales or by interest on money, the man who acquires property in inventions by creating things unknown before occupies a position of superior dignity. Even the man who creates value by manual labor, though he rises in dignity above the heir, the donee, the merchant, and the money-lender, falls in dignity below the author and the inventor. The inventor of the reaper is entitled to greater honor than his father who used the grain-cradle, and the inventor of the grain-cradle is entitled to greater honor than his ancestor who for a hundred generations had used the sickle. Side by side stand the inventor and the author. Their labor is the most dignified and the most honorable of all labor, and the resulting property is most perfectly theirs.

Lord Bacon gave the weight of his opinion to views somewhat similar to the foregoing. The following is a translation of one of his Latin paragraphs:

"The introduction of great inventions appears one of the most distinguished of human actions, and the ancients so considered it; for they assigned divine honors to the authors of inventions, but only heroic honors to those who displayed civil merit (such as the founders of cities and empires, legislators, the deliverers of their country from lasting misfortune, the quellers of tyrants, and the like). And if anyone rightly compare them he will find the judgment of antiquity to be correct, for the benefits derived from inventions may extend to mankind in general, but civil benefits to particular lands alone; the latter, moreover, last but for a time, the former forever." (Walker on Patents, 102, 103.)

It is well understood that the manufacture of a patented improvement is quite as important to the public in carrying out the objects of the patent laws as the inventive act which laid the foundation for the patent. Public policy justifies the extension of a patent if the invention therein disclosed, notwithstanding the diligence of the inventor, has not been placed upon the market and the inventor has failed to secure remuneration for his invention suitable to its value and importance to the public, his failure to secure remuneration being due to circumstances beyond his control. If during the entire term of the patent the invention has not been placed upon the market, either with or without diligence on the part of the inventor, or of an assignee, if no opposition is made to his application for an extension, if no existing trade or business will be injured by giving to the still confident inventor an extension of his patent to enable him to make his invention a part of the actual number of available practical machines in the line of his profession, business, or trade, upon what ground of private or public concern can an extension be refused? Certainly the public will gain nothing by withholding from the inventor the means—an extension of his patent—which would enable him to place his invention on the market instead of allowing it to rest until some one can be found who will have the courage to take it up without the help and protection which a patent affords. In other words, if an inventor with a patent and the natural pride he takes in his invention can not, with due diligence, secure the capital to promote his invention, when may the public reasonably expect that some other person (the inventor no longer having any financial interest in the invention) will undertake to do without the patent that which the inventor was unable to do with a patent, namely, provide the necessary capital to manufacture the improvements and place the same on the markets?

As to whether patents should be extended covering patented devices which have been manufactured and extensively placed upon the market and large amounts realized therefrom, should depend upon the actual profits realized therefrom, including costs of any litigation that may have been necessary, in view of the ascertained novelty of the invention and its commercial value to the trade and the country.

If American manufacturers are to keep up the pace of progress which has enabled them to achieve supremacy in trade, Congress should do what it can to maintain our progress and supremacy, notwithstanding the higher wages which our inventions enable us to pay, by general legislation to assist inventors and patentees to at least keep ahead of the trade of other countries by giving American inventors every possible encouragement to improve and perfect their inventions and place them on the market in actual competition with less meritorious inventions, etc. The importance to this country of this liberal action of Congress toward inventors can not be overestimated. How many millions of dollars would reach this country if a new and improved article were actually placed upon the market? If a single invention may add millions of dollars to the trade of a country under an extended term of patent, how much may result from like extensions in a hundred or two hundred different lines of trade. If only good can result from the extension of a patent in proper cases, why are not extensions granted?

A patent has its foundation upon a contract between the Government and the inventor, in which the inventor undertakes to make such a full, clear, and exact disclosure of his invention as will enable the public to practice his invention with the same facility as the inventor after the expiration of the patent, and the Government undertakes to protect the inventor in the exclusive enjoyment of his rights under the patent in order that he may be enabled to remunerate himself for his time, expense, etc., in perfecting his invention and obtaining his patent. Now, although full and honest disclosure of an invention constitutes the lawful consideration which will support the inventor's right to a patent, it is well known that such disclosure on the part of the inventor is not, in many cases, a consummation of the great object of the patent laws, namely, to actually place the patented improvements upon the market and thereby actually demonstrate the merits of the improvements and develop any possible latent defects.

If the inventor has failed to place the invention upon the market, and thus demonstrate its usefulness and establish a demand for the same, is it not the duty of statesmen to give him an extension of his patent to enable the diligent inventor to fully carry out the great object of the patent laws, namely, the making of inventions and their practical use in commerce?

In a recent paper on "Opportunity and Success," Newell Dwight Hillis said:

"Every new tool that is invented, every new business that is developed, carries with it a hundred new positions and openings for young men."

Robinson on Patents says:

"From an early period the law has taken notice of the fact that during the original term for which the monopoly was granted the inventor may, from circumstances not within his own control, fail to obtain the entire recompense which he deserves; and it has therefore provided, sometimes in one method, sometimes in another, for an extension of the letters patent after the first term has expired." (Sec. 421.)

EXTENSION OF LETTERS PATENT: ORIGIN AND HISTORY OF EXTENSION.

"From the earliest history of patent law the fact has been recognized that through various causes an inventor may fail to obtain an adequate recompense for his inventive skill during the original term of his patent, and that justice to him and a due regard to the public interest may thus sometimes require an extension of his monopoly in the invention. The ancient Crown grants were on this account frequently renewed after the expiration of their original terms, and though for a long period after the statute of James I no such increase of the patent privilege was permitted by the laws of England, yet with the development of industrial enterprise in the first quarter of this century the importance of additional protection to the inventor became so apparent that Parliament in 1835 expressly provided means for extending letters patent, at first for seven and then fourteen years. In this country the propriety of such extensions in special cases has always been conceded the principal variations in our law relating to the tribunal in which the authority to grant extensions should reside. Prior to the act of 1836 this power was lodged in Congress, by whom alone the original term of the monopoly could be prolonged. In 1836 jurisdiction over the renewal as well as the first issue of letters patent was conferred upon the Patent Office, subject to numerous restrictions as to the ground of renewal and duration of the extended term. In 1861 this jurisdiction over extensions was withdrawn as to all patents granted after the passage of that act, and Congress thus became the only source from which an increase of the monopoly created by future patents could be obtained. This is the present state of the law, the Patent Office having authority to renew a patent issued before March 2, 1861, and acting as an examining and advisory tribunal concerning the extension of later patents when the existence of the conditions precedent to such extensions is submitted to its judgment by a special act of Congress. Occasions for the exercise of its former power can not now arise, and an exposition of the current law upon this subject might therefore leave unnoticed those peculiar doctrines which apply only to extensions granted by the office when having general jurisdiction under provisions similar to those of 1836. Inasmuch, however, as Congress may at any time restore this jurisdiction, and when restoring it will probably preserve unchanged the leading characteristics which it previously possessed, this aspect of the law will also be considered in connection with the rules now practically in force." (Sec. 835, vol. 2.)

EXTENSIONS—TO WHOM GRANTED.

"As the sole object of an extension is to furnish to an inventor additional opportunity to secure recompense which he has hitherto failed to obtain, so no extension will be granted unless the inventor is to enjoy at least a substantial portion of its benefits." (Sec. 836, vol. 2.)

"Nor did the liberality of Parliament stop here. The statute of James I had limited the period of the inventor's privilege to fourteen years. This period had always been considered long enough to enable any patentee, who used due diligence in bringing his invention to the knowledge of the public, to gain ample recompense for the cost and labor of inventing it. But such was the appreciation in which these modern lawgivers held the services of the inventor that power was now conferred upon the crown to continue his monopoly for an additional period of seven years, and this was increased in A. D. 1834 to fourteen years." (P. 29, sec. 18, vol. 1; 5 and 6 Will. IV, chap. 83, sec. 4; 7 and 8 Vict., chap. 69.)

"Thus, although at the outset our patent laws were in some important aspects more favorable to the inventor than those of England, the development of the theory that the inventor is necessarily a public benefactor, and that the means adopted for his protection and encouragement are in themselves promotive of the public good, has here as well as there produced its legitimate results in the constant increase of his exclusive privilege and the corresponding limitation of the public rights." (P. 36, sec. 22, vol. 1.)

On the subject of procedure in extension cases referred to the Patent Office by Congress, Professor Robinson says: "Applications for extensions of patents issued since March 2, 1861, must be made to Congress. Such applications may be directly granted or denied without further action, or may be granted subject to the decision of the Commissioner of Patents upon the merits of the application. In the latter cases the proceedings of the Patent Office, except as to the time of their inception, closely resemble those arising under the former law. An application must be filed in the Office, based upon the special act of Congress, a certified copy of which must accompany the application, and the applicant must at the same time furnish a statement under oath of the ascertained value of the invention, and of his receipts and expenditures on its account, giving such facts and data in reference thereto as will enable the Commissioner to form an exact judgment concerning his real profits. Any ambiguity or concealment in this statement is suspicious, and if it is unavoidably defective the reasons for the defect must appear. Upon this application four questions arise: The original patentability of the invention; its value to the public; the sufficiency of the remuneration already received by the inventor; and the effect of an extension upon public interest. On the first point, in uncontested cases, no evidence is necessary. On the second the testimony of disinterested persons must, if possible, be presented, and with such definiteness as to enable the Commissioner to estimate the industrial importance of the device or process covered by the patent. On the third point it must be shown by sufficient proof that the inventor has employed all reasonable means to make his monopoly productive, and that without his fault he has failed to obtain a fair recompense for the time, ingenuity, and expense bestowed on the invention and on its introduction into use. The conclusions of the Commissioner on the fourth point are drawn from the facts disclosed by the preceding inquiries, and from his general knowledge of the condition of the art. The rules of evidence governing this investigation are those established by the Office for other cases in which exterior proof may be required. Any person may oppose an extension by serving notice of his opposition and his reason therefor upon the applicant or his attorney at least ten days before the day fixed for the closing of the evidence, and after such notice will be treated as an adverse party, and entitled to participate in all future proceedings, to offer testimony against the matters asserted by the applicant, and to be heard in argument. After the evidence has closed, the application is referred to the proper examiner for his report and on the proof and arguments of the parties the Commissioner bases his decision, by which the extension is awarded or the application is dismissed." (Sec. 841, vol. 2.)

The progress of the industrial arts is the ground upon which patent laws are framed. A patent may upon its face bear the evidence that it covers an invention that possesses commercial value and does not therefore require practical demonstration of its utility, but there are many inventions that require such demonstration, even to experts, after patents have been issued therefor. This class of cases especially appeals to Congress for more time—for an extension of the patent—to enable the inventors to actually place their patented improvements upon the market. The extended time should be given, public policy says it should be given, if the inventor has been diligent in his efforts to promote his patent, but has failed either to secure proper remuneration for his invention or to place it on a commercial footing.

A late prime minister of England recently said of the United States, "In

no other country, I suppose, is there so careful a cultivation of the inventive faculty." And yet in England the extension of a patent for a period of fourteen years may be obtained without the action of Parliament, whereas in the United States no extension can be secured without the action of Congress, which is practically prohibitory, and has been actually so since 1888. Congress has cut off extensions because there were more cases than they could possibly examine in order to select the meritorious ones.

In the memorial to Congress of Eli Whitney, praying for an extension of his patent, he presented a history of the struggles he had been forced to encounter in defense of his right; that he had been unable to obtain any decision on the merits of his claim until after eleven years of litigation and thirteen years of his fourteen years of patent had expired; that his invention had been the source of opulence to thousands of citizens of the United States; that as a labor-saving machine it would enable one man to perform the work of one thousand men, and that it furnishes to the whole family of mankind, at a very cheap rate, the most essential article of their clothing; that he humbly conceived himself entitled to further remuneration from his country, and that he ought to be admitted to a more liberal participation with his fellow citizens in the benefits of his invention; that the very men whose wealth had been acquired by the use of his machines and who had grown rich beyond all former example, had combined their exertions to prevent the patentee from deriving any emolument from his invention; that the State in which he had first made and where he first introduced his machines, and which had derived most signal benefits from it, had paid nothing for the use of the invention; that from no other State had he received an amount equal to one-half a cent per pound on the cotton cleaned with his machines in one year; that estimating the value of the labor of one man at 20 cents per day, the whole amount which had been received by him for his invention was not equal to the value of the labor saved in one hour by his machines then in use in the United States.

"This invention," he proceeds to say, "now gives to the Southern section of the Union, over and above the profits which would be derived from the cultivation of any other crop, an annual emolument of at least $3,000,000," and "then as to the effect on society, the machine, it is true, operates in the first instance on mere physical elements to produce an accumulation and distribution of property." But do not all the arts of civilization follow in the train, and has not he who has trebled the value of land, created capital, rescued the population from the necessity of emigration, and covered a waste with plenty—has not he done a service to the country of the highest moral and intellectual character? Prosperity is the parent of civilization and all its refinements, and every family of prosperous citizens added to a community is an addition of so many thinking, inventing, moral, and immortal natures."

In view of the fact that Eli Whitney, the New England schoolmaster, gave to the South the cotton gin, which has added billions of dollars to the value of her cotton products, while Cyrus McCormick, of Virginia, gave to the North the reaping machine, which added a similar value to her cereal products, it would not require any stretching of the imagination to believe that in the years to come these two sections will again produce something in the line of an invention which will make them common debtors, one to the other, for some great advance in their material progress.

INDUSTRIAL PROGRESS OF GOVERNMENT MEASURED BY THE PROTECTION AND ENCOURAGEMENT GOVERNMENT GIVES TO ITS INVENTORS—AMERICA'S COMMERCIAL SUPREMACY AND HIGH WAGES FOUNDED ON PATENTS.

The following further extracts from the speech of Senator O. H. PLATT of Connecticut (ubi supra), who has repeatedly served as chairman of the Senate Committee on Patents, should be read as presenting some of the views of a distinguished Senator who has been a close student of the patent laws and of their effects upon our industrial development:

The Senate having under consideration the bill (S. 1924) providing for the organization of the Patent Office into an independent Department, and for giving it the exclusive control of the building known as the Patent Office and of the fund pertaining to that office—

"Mr. PLATT said:

"* * * When the fathers wrote that clause into the Constitution of the United States they builded better than they knew. They knew indeed that the prosperity of every nation must depend largely upon the progress of the useful arts. They knew that if this country was to attain the glory and the power which they hoped for it, it must be along the road of invention; but they could not, the wildest dreamer, the statesman with the most vivid imagination could never have dreamed, could never have imagined the blessings, the beneficial results which should flow and have flowed from the exercise of the power thus granted to Congress. The foundations which they then laid of our progress, our welfare, our strength, and our glory were granite, and we have builded wisely upon them; but I think that we may do much to improve the temple which has been reared.

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"Mr. President, to my mind the passage of the act of 1836 creating the Patent Office marks the most important epoch in the history of our development—I think the most important event in the history of our Government from the Constitution until the war of the rebellion. The establishment of the Patent Office marked the commencment of the marvelous development of the resources of the country which is the admiration and wonder of the world, a development which challenges all history for a parallel; and it is not too much to say that this unexampled progress has been not only dependent upon but has been coincident with the growth and development of the patent system of this country. Words fail in attempting to portray the advancement of this country for the last fifty years. We have had fifty years of progress, fifty years of inventions applied to the everyday wants of life, fifty years of patent encouragement, and fifty years of a development in wealth, resources, grandeur, culture, power, which is little short of miraculous. Population, production, business, wealth, comfort, culture, power, grandeur, these have all kept step with the expansion of the inventive genius of this country; and this progess has been made possible only by the inventions of its citizens. All history confirms us in the conclusion that it is the development by the mechanic arts, of the industries of a country, which brings to it greatness and power and glory. No purely agricultural, pastoral people ever achieved any high standing among the nations of the earth. It is only when the brain evolves and the cunning hand fashions labor-saving machines that a nation begins to throb with new energy and life and expands with a new growth. It is only when thought wrings from nature her untold secret treasures that solid wealth and strength are accumulated by a people. Especially is this true in a republic. Under arbitrary forms of government kings may oppress the laborer, kings may conquer other nations, may oppress and degrade the men who till the soil, and they may thus acquire wealth; but in a republic it is only when the citizen conquers nature, appropriates her resources, and extorts her riches that you find real wealth and power.

"We witness our development; we are proud of our success; we congratulate ourselves; we felicitate ourselves on all that we enjoy; but we scarcely ever stop to think of the cause of all this prosperity and enjoyment. Indeed, this prosperity has become so common that we expect it. Many men forget to what they owe it; many men, I am sorry to say, in these recent years deny the cause of it all. The truth is, we live in this atmosphere of invention; it surrounds us as does the light and the air; like light and air it is one of our greatest blessings; and yet we pass it by without thought. Some say that the cause of all this wealth, of all this influence in the world, springs from other sources; some say it is the result of our free institutions, of our Christian civilization, of our habits of industry, of our respect for law, of the vastness of our natural resourses, but I say inventive skill is the primal cause of all this progress and growth. I say the policy which found expression in the Constitution of the United States when this clause was enacted giving Congress power 'to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries' has been the policy that has built up this fair fabric.

"Concede all you claim—free institutions, Christian civilization, industrious habits; grant respect for law; acknowledge all our vast natural resources, and then deduct patents and patented inventions from the causes which have led to this development, and you have subtracted from material, yes, from moral, prosperity nearly all that is worth enjoying. Subtract invention from the causes which have led to our growth and our grandeur and you remit us, you remit our people, to the condition of the people of Italy, of Switzerland, of Russia. If 'knowledge is power,' invention is prosperity.

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"Is it not apparent that every department of business, every pursuit of organized life, has been fed, nourished, and enabled to keep step in this wonderful march of progress by the patented inventions of the age?

"Now, I want to say that three classes of men have made this possible—first, the inventors; second, the manufacturers; third, the skilled laborers; and by skilled laborers I mean not only the operatives, the mechanics who make the labor-saving machines, but the men who are educated to comprehend the operation of machines and processes.

"I know that it is often acknowledged that the wonderful growth of the country to which I have adverted is the result of invention. I give inventors all the credit that belongs to them, but I want to say that the manufacturers of the country that the artisans of the country have taken part in this wonderful development of its resources, its industries, its wealth, and its population equally with the inventors. It is the manufacturer who has furnished the capital, the enterprise to reduce these inventions to practical application; it is the cunning workmen in the factories that have applied these inventions. The invention of the telegraph was a vast conception, but it has required the manufacturer and the artisan to make that profitable to the country. If it were not for the shop hands and shops of this country there are Senators on this floor who could not go home at the close of this session and return here at the commencement of the next session. Senators who have no very great love for this patent system are here only as the result of it.

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"The truth is, and there is no avoiding it, that you can not disconnect in this country invention, manufactures, and agriculture. The triumph and the success of the one is the triumph and the success of all. They are interdependent coequal factors as it were in producing our prosperity and our happiness; and so with regard to the other industries of the country patents are directly connected with them all and absolutely necessary to their successful pursuit. I will not stop to enlarge. * * * That nation which gets most of the world's trade is to be the first power of the globe. Both patriotism and the interests of humanity impel us to say that the United States must have it. How is it to obtain it? It is to be obtained only by encouraging the inventive genius of our citizens by protecting the patent system of the country and all that is involved and comprehended in that system; and as we stimulate the inventive faculty and protect the patent system, we shall steadily reduce the cost of production in this country until we are able to compete with the world, no matter what may be its system of labor. * * * Remember that eight-tenths of the manufacturing of the country is dependent on patented processes.

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"I know the argument is often used that inventions are opposed to the labor interests of the country. It is not true. There is a redistribution of labor whenever a new labor-saving machine is invented, but there is no destruction of labor. There is no degradation of labor in invention. The man released from a particular kind of labor by the introduction of a labor-saving machine does not go down in the grade and scale of labor, but he ascends. He engages in some higher employment, in some more productive avocation, for patents elevate the laborer. New inventions open new fields of labor. Take printing, take photography, take telegraphy, take gas making, take steam transportation—take all these fields of labor which have been positively created out of nothing by invention, and you will find that the man released from labor in some old occupation by the introduction of machinery which performs his work enters some of these or other new avocations with increased compensation for his labor.

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"The factory in this country has become the school of the useful arts. Every valuable patent builds a factory, and every factory produces scores of patents; and so the invention and the practical education of our people goes on.

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"Few men, I believe, have thought of the actual money value of patents. The mind can not measure it. There are few data from which it can be estimated. We may perhaps gather some idea of the money value of patents by seeing what they have cost inventors. The unexpired patents to-day are 235,400, a somewhat larger number than I had supposed when I made the calculation which I am about to submit. I had taken 230,000 as the number of outstanding patents, and they have cost in Government fees $8,000,000; that is to say, the inventors have paid into the Treasury of the United States to obtain those patents $8,000,000. If you allow attorneys' fees at $50 each, there is $11,500,000 more. If you put the time in experimenting and the expense making models at $100 more, and that is vastly too small, it will be $23,000,000 more. So that you will have $42,000,000 as the cost of the title deeds which have been given to the inventors of this country that are now in force. But that is no measure of value. That is the first cost; that is the cost of obtaining. I know that it is difficult to put any average value upon patents; I know that some of them are worth millions and some of them are worth nothing, but I think it would be safe to say that they are worth $500 on an average, and if so, we have as the value of the patented inventions upon that basis, not reckoning cost, $115,000,000, the actual salable value. Others would put the average value of patents very much higher.

"But this, after all, is no way to measure the value of patents. If we measure them by what they create, by what they save in cost, by what they add to production, by their multiplication of values, then the sum total is simply incalculable.

"Let me give you an illustration or two of the saving of patents. I take perhaps as the most marked instance of the saving made by the use of patented inventions the Bessemer steel patent, and I want to say right here that I do not like to have it said that this is the invention of a foreigner alone. I want Americans and American inventors to have their rightful

share of credit for this invention. The article known as Bessemer steel was an American invention. It was made by William Kelly, an ironmaster of Eddyville, Ky., and in 1856 and 1857 the Patent Office in an interference between him and Bessemer decided that Kelly was the prior inventor. B. F. Mushet, of England, finally added a further improvement, which rendered it practicable. The first rail of it was laid on the Midland Railroad, in England, in 1857, merely as an experiment. The first works were established here in 1864–65 at Wyandotte, under the Kelly patent, and in 1865 by Winslow, Griswold & Holley, at Troy. The Kelly, Bessemer, and Mushet patents were consolidated in 1866, and work begun in 1868. Good quality was not produced until 1870, when the company producing it failed.

"So much for the history of the Bessemer invention. In 1868 the average price of steel rails was $165 per ton. The price since the commencement of 1884 is $34 per ton. The production of steel rails in 1883 was 1,295,740 tons. The same quantity made in 1868 would have cost more than they cost in 1884 by $168,446,200. That is the saving of a single year as the result of this invention.

"But when we have thus considered the saving in the cost of production we have just begun to consider the saving which is effected by this patent. The entire transportation question of the country has been affected by it. The life of a Bessemer steel rail is double the life of an iron rail; it is more than double, and it is capable of very much harder usage. Now take a single fact as suggesting the saving, aside from that of cost of the production of the steel rail, which has been effected by this patent. In 1868 the freight charge per bushel from Chicago to New York was by lake and canal 25.3 cents, by all rail 42.6 cents. In 1884 by lake and canal it is 9 cents only, and by all rail 17 cents only. Now take the 119,000 miles of railroads in the United States which are used in the transportation of merchandise. Apply that fact to the reduction of the cost of transportation, a large portion of which has resulted directly from the use of the Bessemer steel rail, and tell me if you can estimate, see if you can find the figures which will represent the saving to this nation by reason of the use of this one patented invention.

"Let me take another illustration; and I do this because I hear that the barbed-wire patent has oppressed people; I hear that people who use it are unwilling to pay any royalty for the use of it, and so I cite this illustration to show the saving effected by patents. There have been made and sold from 1874 to 1882, inclusive, of barbed wire for fencing 459,805,000 pounds, which make equal to 1,379,806 miles of post-and-rail fence or 110,384,480 rods. An old board-and-post fence costs $1 per rod, and the barbed-wire fence costs 50 cents per rod. Hence the actual saving to farmers already by this one invention is $55,192,240.

"The total amount of fencing in the United States is estimated at 1,619,195,426 rods. At $1 per rod this would amount to as many dollars; whereas if we had had this invention and could have built all these fences of barbed wire at 50 cents a rod it would have saved the farmers of this country the enormous value of $809,597,714. I take as my authority for the cost of fencing, an agricultural paper published in Iowa, the Iowa Homestead, and in this estimate nothing is included of the saving in the repairs of fences. * * * For my part, I believe that two-thirds of the aggregate wealth of the United States is due to patented inventions. Two-thirds of the $43,000,000,000 which represents the agregate wealth of the United States, in my judgment, rests solely upon the inventions, past and present, of this country. The only way to test the opinion is by imagining the effect upon values which would follow a prohibition of the use of patented inventions.

"Take the expired and unexpired patents; prohibit the application of steam to the creation of power, prohibit the use of patents relating to agriculture and the production of the cereals and of cotton; prohibit the use of the inventions relating to electricity; prohibit the use of inventions relating to printing, and tell me how much you have subtracted from the value of the property of this country? Tell me what the property of the country would be worth with such a prohibition? Then banish the knowledge of them, and tell me how this wealth is to be reproduced.

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"Take another instance: Many believe, I fully believe, that Ericsson, a foreigner, but I think an American citizen, by a single invention changed the whole theory of naval architecture, the naval warfare of the world, and prevented this country from dismemberment and disunion. That single invention, originating in the brain of an humble individual, whose invention was not favored by the Government, and who was never, to my knowledge, compensated by the Government, changed the history of the whole world. Consider this one instance of the effect of patents, and tell me what is the value of patented inventions and what they have added to the value of property in this country?

"A distinguished member of the Army told me within a short time that the only reliance of this country in case of war was upon the inventive genius of its people, that it had no Navy, that it had no sufficient Army, that it could only defend itself by a special exercise of the inventive faculty of its citizens in calling into immediate use and power new implements of warfare.

"Is not this vast system of property worth protecting? Does not the patent system attain a dignity which entitles it to fair and generous treatment? Is it not large enough to be independent?

"I have heard it said that we should have all these inventions anyway; that men would have invented without regard to the encouragement which was given to them by our patent laws; that if this exclusive use of their inventions had not been secured to them for a term of years, that if their property in patents were not protected, yet they would have gone on and will go on inventing all the same; that there has been in some way a marvelous birth in this country of inventive capacity, and that it must grow whether it is protected or not.

"Mr. President, it is not true. The inventor is no more a philanthropist than is the agriculturist. He works for his support. He works to achieve a competency. He invents, if you please, to become rich; but he is no more a philanthropist than any other man in any other walk or avocation of life, and you have no right to demand of him that he shall be a mere philanthropist. He is entitled to his reward. He is a laborer entitled to his hire, entitled to it more, if possible, than any other laborer, as his labor is higher in dignity and grandeur than that of any other laborer. I wish on this point to call attention to the testimony of Sir Henry Bessemer as I find it on page 103 of a work called 'Creators of the Age of Steel.' I ask the Secretary to read it."

The Chief Clerk read as follows:

"Sir Henry Bessemer is a believer in patents; but to his varied experience in the introduction of new inventions another single fact has to be added. 'I do not know,' he says, 'a single instance of an invention having been published and given freely to the world, and being taken up by any manufacturer at all. I have myself proposed to manufacturers many things which I was convinced was of use, but did not feel disposed to manufacture or even to patent. I do not know of one instance in which my suggestions have been tried; but had I patented and spent a sum over a certain invention, and saw no means of recouping myself except by forcing, as it were, some manufacturer to take it up, I should have gone from one to the other and represented its advantages, and I should have found some one who would have taken it up on the offer of some advantage from me, and who would have seen his capital recouped, by the fact that no other manufacturer could have it quite on the same terms for the next year or two. Then the invention becomes at once introduced, and the public admits its value; and other manufacturers, like a flock of sheep, come in. But the difficulty is to get the first man to move. The first man might say: 'Oh, my machinery cost me a great deal of money; I have my regular trade, and this new scheme is sure to be more trouble to me in the first instance; and when everybody asks for it, every other manufacturer will be in a condition to supply it, so it is not worth my while.' I believe inventions which are at first free gifts are apt to come to nothing."

"Mr. PLATT. The universal testimony of all inventors is that it is the reward which they hope to secure which stimulates their efforts. Is it so that an inventor, of all the men in the world, has no right to his reward? Is it so that he has no right to be protected in his property? It is the security to an inventor of his invention which makes it valuable and which stimulates him in his effort to make new inventions.

NO LIMIT TO HUMAN INVENTION—IT REQUIRES NO PROPHET'S VISION TO SEE THE COMING GLORY AND THE COMING TRIUMPH OF THE INVENTIVE SKILL OF MAN.

"I have heard it argued that we had approached the perfection of the patent system; that there were no new worlds to conquer; that nature had no more secrets to bestow upon mankind for their benefit. So far from this being the case, we stand but in the very vestibule of the great storehouse of nature's secrets. We have but gathered a few pebbles along the shore on which beats a limitless sea. There is no limit to the evolution of human invention until it reaches the realm of the infinite. It requires no prophet's vision to see the coming glory and the coming triumph of the inventive skill of man.

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"No, Mr. President, every round of the ladder on which we have climbed to national preeminence is a patented invention, and every signboard which points to a greater future of achievement and progress shows that the path continues to lead through the field of invention. We are nearing the end of the contest to which our fathers invited us when they gave to our Government the power to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries. That contest was for the supremacy of the world, and the prize is now in full view. Shall we forget, shall we neglect the system which has enabled us to outstrip our competitors in the race, or shall we the rather perfect and develop it, that through its perfection and development we may attain still grander results? We stand to-day in the gateway of a most marvelous future. Let us hope that eyes may be given us to see that the inscription over the gate reads, "Protection to the American patent system and all that it comprehends and involves."

Senator PLATT's statement that—

"I have heard it argued that we had approached the perfection of the patent system, that there were no new worlds to conquer, that nature had no more secrets to bestow upon mankind for their benefit. So far from this being the case, we stand but in the very vestibule of the great storehouse of nature's secrets. We have but gathered a few pebbles along the shore on which beats a limitless sea. There is no limit to the evolution of human invention until it reaches the realm of the infinite. It requires no prophet's vision to see the coming glory and the coming triumph of the inventive skill of man"—

reminds me of a reference in Mr. W. C. Dodge's very interesting and instructive essay entitled "Our Country: What it is and What has Made it What it is," from which I quote as follows:

"We sometimes hear it said that invention must cease, as the field is already covered. So thought the second examiner appointed in the patent office, who in 1854 resigned his position, giving as his reason for so doing that 'In a little while there will be nothing for the Patent Office to do, as everything is already patented, and I am going to get out of this and engage in some permanent business.'"

The reference to action of the examiner in resigning his position in 1854 for the reason given reminds me of my own impressions of the limits of invention when I was a student in the office of ex-Commissioner Holloway. At this date there were only about 60,000 United States Patents. While considering Mr. Holloway's advice to study patent laws and practice, as it was a growing branch of the law and that it would be useful to me, as a young lawyer, in whatever portion of the country I might locate, it seemed to me that nearly everything had been patented and there would probably not be more than 40,000 more inventions made and patented during my natural life, making a hundred thousand in all. For this reason I did not then attach as much importance to the study of the patent laws as did my distinguished preceptor. However, time has shown that I was as much in error as to future volume of business as the examiner to whom Mr. Dodge has referred, since there are now over 700,000 patents and we are still in the "vestibule of invention."

To show that the benefits of invention extend to all classes of society, that the inventors of some of the greatest and most beneficent inventions have had to overcome opposition, and, apparently, insurmountable obstacles, I quote from Senate Document No. 438, Fifty-sixth Congress, first session, prepared by W. C. Dodge, entitled "Our country; what it is and what has made it what it is," as follows:

"It is perfectly clear that our farmers have been as much, if not more, benefited by our patent system and its resulting inventions than any class in the country. In fact, without the labor-saving machines furnished by our inventors and manufacturers they could not compete for a day with their rivals in India, where the British Government has built over 15,000 miles of railroad to connect with the Suez Canal, in order to cheapen and expedite the transportation of wheat to Europe and goods to India; or with Russia, which in like manner is building railroads for the same purpose and where labor costs less than one-fifth of what it does here. * * * When Jaquard invented his loom, which was so wonderful that the great French minister of war, Arnout, caused him to be brought into his presence and said to him: Are you the man who can do what the Almighty can not—tie a knot in a stretched string?—there was the strongest opposition to its introduction, culminating in a mob of the silk weavers, who took it from his house into the streets, broke it up, and burned the fragments.

"It was the same with Kay, who invented the flying shuttle, driven by the picker staff, in 1733, and which doubled the capacity of the hand loom; of Hargreaves, who invented the spinning jenny; of Arkwright, who invented the spinning frame; of Crompton, who invented the mule spinner, and Cartwright, who invented the power loom, and who spent $150,000 in the effort to protect his patents. All of them had their machines destroyed by the ignorant mobs, and Hargreaves and Arkwright had to fly for their lives. Kay was ruined by expensive lawsuits in the effort to protect his patent from infringement by wealthy and unscrupulous parties, and when the mob destroyed his machine he barely escaped with his life to France, where he died in poverty.

"These inventions, with that of the cotton gin by Whitney, who was outrageously defrauded of his rights, have changed the entire art of producing woven fabrics. Indeed, so far as the cotton industry of the world is concerned, they may be said to have created the industry which to-day gives

employment to millions, and has so immensely cheapened the product that it is used the world over.

"The biographer of Eli Whitney said of him: 'This inventor actually created both personal and national wealth.'

"Palissy, the Huguenot potter, impoverished his family and starved himself nearly to death ere he discovered the secret of the famous enamel which afterwards made him rich and famous. He died in a dungeon, however, from political and religious persecution, at the advanced age of 80 years.

"Goodyear reduced himself, not only to poverty, but to isolation before his grand success. One witness testifies:

"'I found in 1830 that they had not fuel to burn nor food to eat, unless it was sent in to them.'

"Jethro Wood, the inventor of the modern iron plow, and of whom Hon. W. H. Seward said, 'I am fully satisfied that no citizen of the United States has conferred greater economic benefit on his country than Jethro Wood: none of her benefactors have been more inadequately rewarded;' and of whom Daniel Webster said, 'I regard Jethro Wood as a public benefactor, and I would unite in any proper measure for the benefit of his family,' was defrauded of all benefit from his patent by infringers, who availed themselves of the provision then in the patent law that if used in public before it was patented the patent was void; the public use in his case consisting simply of his trial of the plow in the field where his neighbors saw it.

"And when in recent years a bill was passed by a two-thirds vote in the House to provide for his four indigent daughters, it was defeated in the Senate on the last night of the session by the single vote of a prominent Senator, who said if Congress wanted to pass such a bill it should do so for the heirs of Fulton, who had never received a cent, when the record shows that in 1846 Congress gave to the heirs of Fulton $75,000.

"Morse struggled for years to secure attention to his telegraph invention: at times he had but a single meal in twenty-four hours; and when at last a bill was reported to appropriate $30,000 to build an experimental line from Washington to Baltimore it met with opposition and ridicule, one high official, to show his contempt of the project, proposing that half of the sum should be used in mesmeric experiments. And even after the bill had passed the House by 8 majority a friendly Senator advised him: 'Give it up, return home, and think no more of it.' And when, with a heart made sick by 'hope deferred,' he called for his bill as he retired for the night, he found that after paying the same he would have but 87½ cents left. But, fortunately for him and the world, as he rose in the morning a woman brought him the 'glad tidings' that near midnight the Senate had passed the bill. To him she was truly 'an angel of light,' and it was, indeed, appropriate that she was selected by Morse to send over the first completed line that equally appropriate first message: 'What hath God wrought!'

"These, and others like them, were indeed the 'martyrs of invention'—men who devoted their lives to producing inventions which have done more for the progress, comfort, and happiness of the human race than any other class of men that ever lived.

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"It was years after Nasmyth invented his steam hammer before he could induce the Government to even try it; but when he did get a trial, his hammer drove down a pile 90 feet long and 18 inches square in four and one-half minutes, while by the old method the workmen were twelve and one-half hours driving a similar one.

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"When the Baltimore and Ohio Railroad was opened with horse cars, in 1830, Daniel Webster expressed grave doubts as to the possibility of railroads, saying, among other things, that the frost on the rails would prevent the train from moving, or from being stopped if it did move.

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TO INVENTORS WE MUST LOOK FOR MAINTENANCE OF HIGH WAGES OVER CHEAP FOREIGN LABOR.

"With the illustrations herein given of the benefits of our patent system, one would suppose that opposition to patents would long since have ceased; but, unfortunately, while it has greatly diminished with the growth of intelligence and universal education, it still exists, and the strangest fact of all is that the strongest opposition in the United States has come from the farmers, who have been so benefited by it.

"That the 'drive well' patents saved the farmers of the country from twenty-two to twenty-five million dollars, since said invention reduced the cost of a well from $50 or $60 to $20 or $25; that it is practically clear that our farmers have been as much, if not more, benefited by the patent system and its resulting inventions as any class in the country.

"Since 1870 our export of wheat has averaged 124,000,000 bushels, and in the year ending June 30, 1892, it reached 236,206,351 bushels, over one-third of the entire crop. Now, whether or not we can sell a bushel abroad depends upon our ability to place it on the foreign dock within 1 cent of a given price; because, if we can not deliver it there as cheaply as they can buy it from the Black Sea region, and now from Argentina, India, and Russia, where labor costs but $30 a year, of course they will not buy of us.

"Suppose we were to strike out of existence the dozen or more leading inventions used in the preparation of the soil, the seeding, harvesting, thrashing, storing, and transporting of the wheat crop of the country, and go back to the old-time methods of hand labor; the result would be that we could not sell a bushel, because it would cost so much that we could not deliver it in Europe as cheaply as our competitors could.

"Or, if the amount exported was retained at home and added as it would be to the home supply, what then would wheat be worth? Why, it would not pay the cost of raising it, and all engaged in wheat growing would be ruined. The farmers under such a condition would be thrown back where they were in the early days of Illinois, as recently described by one of them in a leading agricultural paper publishad in Chicago, in which he says he spent a week taking 20 bushels of wheat with an ox team over 90 miles to Chicago, through the sloughs and mud, and sold it for 40 cents per bushel, and took his pay in brown sugar at 15 cents per pound and coarse cotton cloth at 25 cents per yard.

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"There is not a man in the United States whose memory goes back forty years who does not know that, contemporaneously with the grand march of applied science, the condition of labor has improved. The introduction of labor-saving machinery has always had its opponents. Their predictions of disaster have been sounding ever since the first cotton-spinning machine was invented. They have incited some of the ignorant and credulous to riots for the destruction of machinery as the deadly foe of man.

"But as years have passed on, the intelligent workingmen of this country have learned that invention, instead of enslaving them, has been their best friend. They have shorter day's work, more comfortable and wholsome places to work in, better homes, better food, better clothing, better schools, and in all ways a larger return for their work. Not only that, but American laborers are far better paid than European.

The following extracts are from the annual reports of the Commissioner of Patents to the Congress of the United States.

[Samuel S. Fisher's report, O. G., vol. 1, p. 8.]

"It must, however, be borne in mind that many good inventions are not developed for the want of means; many are laid aside because, although good and useful, they are in advance of the art to which they belong. The protection afforded by the patent and the hope of reward have proved the incentives to invention.

"They do not deem it too much that the Patent Office, which is the only institution which they can properly call their own, and which they have built up with their money and established by their genius, shall be supplied upon a liberal scale with every appliance for the performance in the best manner of all legitimate duties."

[C. E. Mitchell's report, O. G., vol. 50, p. 716.]

"But the territories of American invention know no Pacific Sea. Their farther bounds expand as their hither borders are occupied. Illimitable in extent and inexhaustible in resources, they will yield up unimagined treasures of invention in all the coming centuries, just as they have done in the hundred years of marvels whose recorded story, drawing toward its close, is at once the tribute and the glory of the American patent system."

[W. E. Simonds's report, O. G., vol. 62, p. 899.]

"A vastly large number of inventions are of a greater value than the public dreams, and those which seem to fall dead contain within them the seeds of suggestion, which later lives and grows to rich fruition."

[A. P. Greely's report, O. G., vol. 82, p. 1918.]

"It is to the stimulus to invention given by our patent system that the greatest increase in our exports is largely due, and it is on American invention, as fostered and stimulated by the patent system, that we may confidently depend for ability to maintain the high rates of wages to American workmen and yet compete successfully in the markets of the world with nations where the workman receives but meager return for his labor."

REASONABLE REQUESTS OF INVENTORS AND MANUFACTURERS SHOULD BE HEEDED.

[C. H. Duell's report, O. G., vol. 86, p. 1178.]

"At the present time, when our manufacturers are reaching out for foreign markets, I believe no greater aid can be given them than by fostering and stimulating invention."

Let us not forget that it is the American inventors who by their inventions and discoveries "have made the last fifty years of the nineteenth century the most remarkable of recorded time," and at the same time have laid the civilized world under tribute to American manufacturers.

In return for all this our inventors only ask for a fair field and fair treatment. An enlightened public sentiment demands that their requests should be considered with favor by the Congress of the United States.

[Patent Centennial Celebration, p. 420.]

The late Commissioner Fisher was reported to have said: "No class of our citizens have done more for the glory and prosperity of the nation than the inventors and mechanics of the United States, and they have never been favored children.

"What is now needed is the perfection of the system, better and more complete means for carrying it on, and more effectual means for protecting the inventor."

In an address by Hon. John Goode before the Sons of the American Revolution, in which he was introduced as "the Nestor of the American bar and one of Virginia's most notable sons," he said inventors had contributed more to the welfare of their fellows, in that period (referring to the last fifty years), than Alexander, Cæsar, or Napoleon, and their names would survive when those of the great conquerors had passed into oblivion. They have subdued steam; they have harnessed and controlled that subtle spirit, electricity; they courted coy nature; they have anihilated time and space with the telegraph and telephone. In future years the names of great soldiers will shine but dimly beside the names of Fulton, Morse, and Henry.

In order to show the appreciation of inventors of the dignity of their calling and of their claims upon the consideration of their fellow-countrymen by legislators, statesmen, civil officers, men of science, men who have achieved distinction as authors, and men who are in touch with our commercial development, I have prepared the following extracts for publication:

Prof. Alexander Graham Bell, the inventor of the telephone, in assuming the chair as president of the Centennial Convention, said, in substance, that the inventor may be described as one who is never satisfied with things as they exist, or as he finds them, that therefore he is constantly straining to make improvements. Sir William Bessemer said: "I spent four years of time and $20,000 in gold before I was able to produce a pound of steel. I was not a manufacturer of steel, but I knew that there was a big stake to play for if I could succeed. I would not have spent a farthing in the effort had it not been for the hope of recouping myself under my patent, because if, when I had made it a success, others could step in and avail themselves of it, they would have had $20,000 and four years' time the advantage of me."

Commissioner of Patents Holt:

"The class of men who have given to their native land and to the world these grand inventions, whose beneficent influences tell with measureless power upon every pulsation of our domestic, social, and commercial life, are indeed public benefactors, and may well be pardoned for believing that their wants should not be treated with entire indifference by that body which represents alike the intellect and heart, as it does the material interests of the great country of which they are citizens—the Congress of the United States."

Says Hon. R. Q. Mills:

"All wealth is created by labor, and the greatest wealth is created when the greatest sum of products is produced in a given time; and that is done when the labor works in harmony with nature and the auxiliaries which the inventive genius of man has supplied. We use labor-saving machinery and make our labor more productive than any other people."

Says Professor Thurston:

"There has never been in the history of the world a more impressive illustration of the value to a nation of that generous public policy, that just legislation, which gave to the man of brain the control of the products of his mind than is shown by the progress of the United States under her patent system. The genius of invention is the mainspring of advance in our material civilization, the foundation of that prosperity on which culture must rest for its solid support."

Said Carroll D. Wright, Commissioner of Labor:

"There is something peculiarly educational in the very presence of the working of mechanical power—the witnessing of the automatic movement of a machine stimulates thought."

Senator DANIEL, of Virginia, has said:

"The inventor has redeemed us from the curse of poverty, dissipated the mysteries of humbug, and destroyed the monopoly of knowledge. He is compelling peace by making war too terrible to tamper with. The world

has grown wise enough to know that with every invention that saves labor luxury is laid at the feet of the toiler, and skillful hands and brains are released from menial tasks for others more exalted."

Said Hon. Benjamin Butterworth, Commissioner of Patents:

"But for the patent system only an infinitesimal part of the triumph of inventive genius would have been accomplished, and if we would cut the ground from beneath the material prosperity of the age, there is no way in which this could be more effectively done than by the repeal of our patent laws."

Says Senator VEST:

"The cheapening processes of new inventions everywhere are progressing, until now everything is cheapened. Human inventions, new modes, new devices, intelligent skill in producing everything, have brought down prices everywhere."

Says Senator O. H. PLATT:

"Every comfort which we have, every convenience which we enjoy, every element of wealth which we acquire has its root and development in the patent system of this country. They are born of patents, and they live only by permission of patents."

As Hon. CHAUNCEY M. DEPEW recently said:

"The wildest dreamer of even five years ago would not have predicted that the products of our factories and mills could compete in their own markets with the manufactures of the Old World. But the carpets of Yonkers are being sold at Kidderminster, the rails of Pittsburg are being laid down in Liverpool, and the great bridge which Holland is to build over one of its inland seas was captured by an American firm against all European competition as to price, though denied the Americans from patriotic motives.

"The alarm over the competition of American goods has been sounded in the Austrian, German, and French Parliaments by their far-sighted statesmen. Its restiveness is felt in the public opinion of Great Britain. Our democracy produces a skill and ambition in our artisans by which they do more and better work in eight hours than their European competitors in ten. Our inventive genius is constantly evolving better and more economical methods of production, and the machine of to-day is cast aside at once by the enterprising Yankee for the better one of to-morrow, while his European rival clings to the old machine until it is worn out. Our low rates for transportation, which are less than half those of European countries, have annihilated space. They have brought our cheap raw material alongside our improved methods and our more intelligent artisans, and are carrying the product to our seaboard and the markets of the world.

"For the twentieth century the mission of the United States is peace; peace, that it may capture the markets of the world; peace, that it may find the places where its surplus products not only of food, but of labor, can meet with a profitable return."

[W. E. Simonds, Commissioner, O. G., p. 901, vol. 62.]

"The Western farmer may know it not, but the inventor of the compound marine engine is possibly the best friend he ever had, and that farmer will find his reward in ascertaining for himself what its effects in cheapening transportation across the ocean has been upon his fortunes. Another example: A single generation ago our carpets were made for us by foreign hands, and the prices were excessive. A great American inventor produced the Bigelow carpet loom; building upon the faith of an American patent, a million dollars in one instance, and a million and a half were risked in the experiment. The result to-day is that our carpets cost but one-third of what they did, and less than one-hundredth of them are made by foreign looms. Had there been no patent law, these millions would never have been risked in the experiment so rich in result to the American people. If to-day the sewing machine were produced for the first time and we had no patent law, its inventor would hawk it in vain up and down the land to find that foolish man who would risk a half a million in its commercial development, with the certainty that success would invite ruinous competition.

"If there be one class of men above all others to whom the American nation and the American people are in debt, it is to American inventors. Why not grant them the poor boon of expending for their benefit the moneys they pay?"

[Robert H. Thurston, A. M., LL. D., director and professor of mechanical engineering, Sibley College, Cornell University. Patent Centennial Celebration, 1891.]

"Boulton and Watt, the capitalist, with the inventor, gave the world the steam engine, finally, in such form and in such numbers that its permanent establishment as the servant of man was insured. The capitalist was as essential an element of success as was the inventor, and in this instance, as in a thousand others, the race is indebted to that much-abused friend of the race, the capitalist, for much that it enjoys of all that it desires. The industry and patience, the skill and the wisdom required for the accumulation of this energy stored for future use in great enterprises is as important, as essential, as inventive power or any other form of genius. Talent and genius must always aid each other. This firm was established in 1764, and its main resources, aside from the bank account, were Watt's patent, about expiring, and Watt's genius, and Boulton's talent as a man of business. The patent was extended for twenty-four years. The new inventions of Watt, now beginning to pour from his prolific brain in a wonderful stream, were also patented, and the whole works were soon employed upon the construction for which numerous orders had begun to pour in upon the now prosperous builders. The patent law established Boulton & Watt, and the firm paid back the nation with handsome usury, giving it unimaginable profits indirectly through its control of the work of the world, and large profits, indirectly, through the business brought them from all parts of the then civilized globe. There has never, in the history of the world, been a more impressive illustration of the value to a nation of that generous public policy, that simply just legislation, which gives to the man of brain control of the products of his mind. For a hundred years Great Britain has, largely through her encouragement of the inventor and her protection of his mental property, by securing the fruits of his labor, in fair portion, to him, gained the power of dictating to the world, and has gained an advance that can not be measured. Watt and Arkwright and Stephenson and Crompton and their ilk, protected by the Government and its patent laws, made their country the peaceful conquerors of the world. The story of the work of the invention is a poem of might, meaning, and wonderful deed. The inventor proved himself a mightier magician than ever the world has seen.

"Since the days of Watt, the improvement of the steam engine and the work of inventors has been confined to matters of detail. But these matters of detail had been found to involve opportunities to make enormous strides in the direction of securing improved efficiency of the machine. The further application of the principle which led Watt to his greatest invention—of the principle keep the cylinder as hot as the steam which enters it; of that which he enunciated relative to the advantage of expanding steam, and of that effecting the regulation of the machine—have reduced the costs of steam and of fuel to a small fraction of their earlier magnitude. One ton of engine to-day does the work of eight or ten in the time of Watt; one pound of fuel or steam gives to-day ten times the power then obtained from it. A steamship now crosses the Atlantic in one-eighth the time required by the famous 'liner' of the 'Black Ball Line.' The wastes of the engine have been brought down from above 80 per cent to 8; and a half ounce of fuel on board ship will now transport a ton of cargo over a mile of ocean."

[Patent Centennial Celebration, 1891, page 66. Hon. O. H. PLATT.]

"So we see that each invention, great or small, by its own inherent force and power wonderfully stimulates and increases the inventive or creative faculty of man. * * * If they can but discover the germs of new inventions which are to cheapen production, which are to minister to the present and prospective wants of mankind, they will be satisfied with their life work and feel that they are entitled to a place among the world's great doers, though others shall enter in and reap more abundantly the money reward."

[Reference, page 75. Hon. O. H. PLATT.]

"We stand in the doorway of a new century. What of the future? Has invention reached its zenith? Has man maintained his highest development? Has he already reached the goal of human progress? Can he advance no further? I ask these questions because I firmly believe the limit of human invention is also the limit of human advancement; that he who writes the history of invention will write the history of mankind; that if invention has already done its perfect work, man is all he can ever hope to be in this life."

[Reference, page 80. Hon. Carroll D. Wright.]

"Wyatt did not succeed either in making his fortune or in introducing his machine into use. He lacked pecuniary means, but could not hold out long enough to realize the success which his genius merited; but, more than all, as often happens with many advanced inventions—inventions made in advance of the times—he lacked the time and the attendant circumstances, with all their subtle influences, which accompanied the train of inventions relating to spinning and weaving which came into use a generation or so after Wyatt's time. His invention slumbered for thirty years, until it was rediscovered, or, what is just probable, until its principles came accidentally to the knowledge of Arkwright, who, previous to 1769, had been a barber at Preston. These primitive efforts—that of John Kay, who in the invention of the fly shuttle, and that of John Wyatt, in the invention of spinning machines where rollers were used—formed the germs from which sprang that great line of inventions which has revolutionized industry, and whose influence upon labor has been so widely marked in every direction."

[Patent Centennial Celebration. Hon. Robert S. Taylor. Reference, page 126.]

"But the essentials of human happiness are not found in mere form of government. Personal liberty, a fair chance in the race of life, under the protection of equal laws, are all that is fundamental. The wants of man—the animal, to be fed, clothed, and housed; the higher wants of man—homo, to learn, read, think, travel, communicate, and receive—it is in the ample supply of these that the greatest sum total of human happiness is to be found. And in these this age and this country surpass all others."

"We do not often stop to think how and whence our blessings come. We accept them with a dim sense of gratitude to somebody or something as a flower smiles its thanks to the sunshine. But in the light of the reflections which this occasion suggests we can realize how faintly, how vast is the obligation which we owe to the inventors of America. Not a garment that we wear, not a meal that we eat, not a paper that we read, not a tool that we use, not a journey that we take, but makes us a debtor to some American inventor's thought. Measured by what we can learn, see, do, and enjoy in a lifetime, we live longer than Methuselah, we are wiser than Solomon, richer than Croesus, and greater than Alexander. Archimides has found his fulcrum; it is the brain of the inventor.

"We can realize, too, to-day how wise the fathers were beyond anything they could have known in providing in the Constitution for the encouragement and reward of invention. On twenty-seven words—only twenty-seven words—in that great charter the American patent system rests. What other twenty-seven words ever spoken or penned have borne such fruits of blessing for mankind."

[Reference, page 129. Centennial Celebration. Hon. John W. DANIEL.]

"The Romans of old assigned the highest places in the Elysian fields to him who had improved human life by the invention of arts, and sure our own race—the most inventive of men, and our own country, the most inventive of nations—will not refuse the highest honors to those creative minds which have contributed so much to make it foremost of mankind."

[Reference, page 147. Hon. Ainsworth R. Spofford.]

"Put your ideas into material form, and we will guarantee you the exclusive right to multiply and sell your books or your machines for a term long enough to secure a fair reward to you and to your children; after that period we want your monopoly, with its individual benefits, to cease in favor of the greatest good of all."

[Reference, pages 162 and 163. Octave Chaunte, President of the American Society of Civil Engineers.]

"As stated by W. C. Church, the biographer of Ericsson, it is now possible to carry across the Atlantic 2,200 tons of freight with 800 tons of coal, where in 1870 it was only possible to carry 800 tons of freight with 2,200 tons of coal.

"This is the result, it need scarcely be said, of the substitution of the screw propeller for the paddle wheel, of surface condensation, of high pressures, and double, triple, and quadruple expansion; each of them a successive step, resulting in such growth that steamers now plow on every sea, and their aggregate tonnage is nearly as large as that of the sailing vessels."

[Reference, page 204. F. A. Seely, principal examiner, U. S. Patent Office.]

"Such a state of things is repugnant to human sense of justice. The same conception of the rights of the inventor that had found expression in the Constitution of the United States and of the French Republic forced thinking men to the conclusion that the rights in question could not be bounded by geographic lines, but that the protection of the inventor should be coextensive with the benefits he has conferred upon mankind. Hence the idea of international protection."

[Reference, page 403. Prof. Otis T. Mason, Curator U. S. National Museum.]

"Every invention of any importance is the nursery of future inventions, the cradle of a sleeping Hercules.

"It was not primarily to benefit the individual, but to promote the progress of science and useful arts that this power was conferred, in order that the whole nation might have the benefit of this progress—the benefit of the individual being merely an inducement to him to devote his time, labor, thought, and means to aid in the accomplishment of this desired result of progress by making new inventions."

Before Japan enacted its patent law, dated March 1, 1899, it appointed Mr. Karekiyo Takahashi a special commissioner to the United States to gather data obtainable in regard to our patent system as practiced at that date. The Commissioner of Patents directed the officers in his Bureau to give Mr. Takahashi every facility in their power to aid him in gathering facts available at our Patent Office, etc. In conversation with one of the principal examiners Mr. Takahashi was asked why the people of Japan desired to have a patent system.

"I will tell you," said Mr. Takahashi; "you know it is only since Commodore Perry in 1854 opened the ports of Japan to foreign commerce that the Japanese have been trying to become a great nation like other nations of the earth, and we have looked about us to see what nations are the greatest, so that we could be like them; and we said, 'There is the United States, not much more than one hundred years old, and America was not discovered by Columbus yet four hundred years ago;' and we said, 'What is it that makes the United States such a great nation?' And we investigated and we found that it was patents, and we will have patents." Examiner Pierce, to whom the above statement of Mr. Takahashi was made, in commenting thereon said, "Not in all history is there an instance of such unbiased testimony to the value and worth of the patent system as practiced in the United States.

Senator PLATT has said that "the passage of the act of 1836 creating the Patent Office marks the most important epoch in the history of our development. I think the most important event in the history of our Government from the Constitution until the war of the rebellion."

For "this masterful stroke of statesmanship" (the act of 1836) the country is indebted to Mr. Ruggles, of Maine. This act contained five new, special, and salient features, namely: Section 7, providing for preliminary examinations; section 10, giving the executor of a deceased inventor the right to apply for a patent; section 12, giving the right to file a caveat for an incomplete invention; section 13, providing for the reissue of a defective or invalid patent, and section 18, providing for the extension of patents.

It will be seen that each one of these salient features was in the line of benefiting, and thereby encouraging, the inventor. Section 7 served to establish his prima facie right to the invention, in the event of his securing a patent; section 10, to give him the assurance that in case he made an invention, but should die before securing a patent, his legal representatives would be entitled to apply for and receive the patent; section 12 provided that if the nature of the invention was such that much time would be required to complete an invention, or if for any other cause the inventor deserved more time within which to file his formal application for letters patent, he might secure himself against the issue of a patent, without notice to him, by placing a caveat in the secret archives of the Patent Office; section 13 provided that if through the incompetency of any attorney, or other cause, his patent were defective or invalid, he could reissue the same; and section 18—see copy of same in full in digest of laws herein—gave a patentee, upon conditions therein set forth, the right to an extension of his letters patent.

Notwithstanding the fact that section 18 was regarded as equal in importance to any other section, it is the only section of those above named in that "masterful stroke of statesmanship" which has been repealed. I have fully set forth herein how the repeal was secured, namely, by the mere action of a conference committee, without the same having ever been suggested to anyone and without any consideration in either the House or Senate previous to the report of the conference committee, though, as I have explained, the "masterful stroke of statesmanship" would have carried it through, in view of the many reforms and improvements embraced therein, however objectionable the repealing of section 18 might have been to even a majority of Congress. The marvel of it all is that this "step in the wrong direction" has been allowed to stand in view of the fact that the mistake began to appear clearly in 1873, when the first seventeen-year patents began to expire. We have been in the presence of the constant admonition of its mischievous effects upon the useful arts ever since 1836, about six years after the seventeen-year patents began to expire. How long will the country have to wait to have this legislative mistake corrected?

For the benefit of my legal brethren who are so persistently urging, in view of the provisions of section 7 of the act of 1836, that preliminary injunctions should be issued more frequently under the legal presumption which the official examination provided for in said section 7 was intended to establish in favor of the holder of a patent, I quote, in support of such contention, from the report to Congress of Hon. D. P. Holloway, who invited the writer to become a student in his office soon after he resigned his position as Commissioner of Patents, as follows:

"But I feel confident that, as the general result of our system, its benefits have accrued no less to the unsuccessful than to the successful applicants; that while the latter have secured patents to which an intrinsic value has been imparted by the scrutiny to which inventions have been subjected, and by the sanction of the office are comparatively protected from infringement and litigation, the former have been saved from waste of time, labor upon well-known machines, and from the cost and misery of defending in courts of law rights to which they can maintain no title." (Patent Office Report, Vol. I, 1863, p. 17.)

I think my old preceptor, long since gone to his final reward, would turn over in his grave if he could visit the world and witness the present disposition of motions for preliminary injunctions.

At a special meeting of the Patent Law Association of Washington, called to consider this very subject of the extension of patents, one of the honored guests, Professor Robinson, when requested to speak on the subject of extension of patents, said in substance that it was within the experience of each one of us (the meeting was one of the largest ever held by the association) that in some cases, from one cause or another, over which the inventor has no control and for which he is not responsible, and therefore, through no fault of his own, the inventor fails to receive a due reward for his invention during the original term of his patent; that in such cases he had never been able to understand why an inventor, whose genius is of as high an order as that of an author, should be limited to seventeen years when an author can get twenty-eight years under a copyright.

In Robert Fulton, by Thurston, we have read that "Joffra, who experimented on the rivers of France twenty-five years before Fulton, might, with similar encouragement, have met with equal success. Yet, although Fulton was not, in any true sense, the pioneer inventor of the steamboat, his success in the work of introducing, developing, that miracle of modern times can not be overestimated" in its value and importance to the people.

Fulton was an inventor, but not the first inventor, but his marble statue would not have been placed in Statuary Hall by the State of Pennsylvania, as one of two statues that a State is allowed to place therein, if Joffra had received the same financial and legislative assistance in France which Fulton received in America twenty-five years after Joffra's invention. Thousands of cases like these might be cited to show that public interests would be promoted and the wealth of an entire nation increased by giving an inventor time to promote his patent and actually place the patented improvement on the market and available to the public. An extended patent costs the Government nothing, while the effect of giving the extension may be to benefit the nation.

Inventions point the way to new manufactures; patents lead to the promotion of new manufacturing plants, and the establishing of manufacturing plants increases the demand for labor and raw material, tends to increase the value of real estate, and to generally increase the wealth of a community in which new establishments are located. If the above doctrine is based upon sound principles of political economy, why should not the people of every town, of every county and State, and of the entire country be in favor of a law which, if enacted, would not only tend to increase, but would surely increase and develop, manufacturing in all parts of the country and enlarge both our domestic and our foreign trade?

If the extension of a patent enables a patentee to obtain capital and place his device on the market, no one will be injured thereby except those who have inferior articles. But we must not forget that the great object of the patent laws is to substitute, in whole or in part, superior for inferior articles, even though the makers of the latter may be injured.

Senator PLATT has said:

"Remember that eight-tenths of the manufacturing of the country is dependent on patented processes. * * * The factory in this country has become the school of the useful arts. Every valuable patent builds a factory, and every factory produces scores of patents, and so the invention and the practical education of our people goes on."

General Leggett, former Commissioner of Patents, in an address before a convention of manufacturers and inventors, said: "Nine-tenths of all the capital invested in manufacturing was so invested by reason of its having patent protection."

Said Acting Commissioner of Patents William H. Doolittle: "It may be safely said that two-thirds of the manufacturing interests of the country are based upon patents, and the welfare of all such interests are intimately connected with the welfare of the patent system."

May we not conclude that the establishment of manufacturing plants is a guide to the number of patents which any given community or State controls, and that therefore if we are advised as to the number of available patents that are taken out in different sections of a country we can ascertain the comparative growth of manufacturing concerns therein.

One reply which the writer received in answer to the question, "Should the Commissioner of Patents be again empowered to grant an extension of the term of a seventeen-year patent by reenacting in substance the law of 1836?" was as follows:

"Yes, decidedly. Such law should be unquestionably reenacted, in my opinion, as a matter of simple justice to the inventor. If the inventor is powerless, through lack of means or other reason, to commercially introduce his invention despite all possible efforts he may put forth, he is certainly in no condition to go to the enormous expense and incur the uncertainties of an appeal to Congress to extend his term, which is the only alternative he now has. There should be no difficulty in framing a law of this nature that would amply protect the class of inventors for which it is intended. A little reflection will show that the fixing of an equal term for all patents, while perhaps a necessary step for sake of uniformity and in issuing the original grant, is nevertheless on its face highly illogical. Some inventions may be immediately adopted and have a vogue of but one or two years, a matter in which the inventor may fully realize and understand in advance.

"Another and perhaps far more important class of inventions, of which numerous examples both past and present will suggest themselves, may not come into use, despite all efforts of the patentee, and it is this class of inventions for which a liberal extension law is chiefly needed. Among these inventions I include those of a highly original and fundamental type, which may form a new departure on previous and well-settled practice; or, again, inventions that are ahead of their time, or which require the art to grow up to a point where they can be successfully utilized; or those that from their very nature require the investment and risk of a large amount of money before even a practical demonstration of the advantages claimed by the inventor can be had; or such inventions that can be used only by some existing monopoly, such as a government, a railroad, telegraph, or telephone corporation, whose interests, or fancied interests, may lie in throttling the invention, etc. Many of these classes of inventions are of a nature that eventually confer the greatest possible benefit to the world at large, yet those who are responsible for their creation, and have struggled for years to secure a favorable hearing, and have suffered all sorts of privations in their efforts to benefit themselves and their fellow-men, are not only left without substantial reward but are often deprived of the credit and fame which an adoption of their ideas during the lifetime of their patents might have given to them. Indeed, such an inventor may deem himself fortunate if the training of the public mind or the growth of the art has been sufficiently rapid as to cause his invention to be adopted, or to come into use in a tentative way during the last year or two of the life of his patent.

"The objection with respect to the uncertainties in the public mind as to the date when a given patent will expire and the invention become public property is, in my mind, entirely wrong in principle. As a matter of fact, it is to this certainty of the date of expiration that places the inventor at the mercy of manufacturing monopolies or operating corporations. If a certain invention is valuable to them, intending manufacturers or users should be obliged to negotiate with the patentee and not await his death or the death of his patent.

"Of course if an inventor has derived a reasonable profit during his tenure of the exclusive right conferred by his patent, an extension of it should be barred, and this is a matter that can very easily be determined. The fees and expenses incident to the procuring of such extension should be made as low as possible in justice to the class of inventors or their heirs who are in need of and are entitled to the benefit of this provision. I am firmly of the opinion that such a law is not only eminently just both to the patentee and the public, but that it will be found in practice to greatly encourage inventors and aid them in procuring financial assistance which the Government itself can not supply, and of which they are as a class so greatly in need, and that it will bring about a much greater degree of activity in the lines of original research and in the production of inventions that greatly benefit the world.

Extensions were never granted, as is well known to those who practiced on extension cases, except for the benefit of the inventor and the public in general, even when the inventor had assigned his entire right to the patent and any extension thereof; the Commissioner would not extend the patent except upon proof that the inventor would thereby become a substantial beneficiary either by reassignment of the patent or an execution of a contract which, upon its face, would make the extension inure largely to the benefit of the inventor. It was not safe to ask for an extension unless the proofs came up to the standard above indicated. As the application for an extension had to be made by the inventor, it will be seen that he held command of the field, that terms satisfactory to him must be made or he would not make the application. It was not safe to even try to take advantage of the inventor in making the contract; it would endanger the rejection of the application by the Commissioner on the ground that the terms were not as favorable to the inventor as they should be in view of the estimated value of the extended term. Again, as the extension had to be granted, if at all, before the patent expired, and as the Commissioner might not take the case up until the patent was about to expire, it will be seen that it would be too late to patch up a new agreement with the inventor in order to avoid rejection of the application on the ground that the inventor would not participate sufficiently in the benefits of the extension.

In the disposition of all applications for inventions that had not gone into commercial use, as well as all cases in which the inventor had not assigned his patent, the interests of the inventor and the public only were considered.

In answer to the argument that if a general extension law were passed some inventor might now and then secure an extension who, in the opinion of some, was not entitled thereto, it may be said that if this is a good ground

against the proposed law, it is equally good against every other court, commission, or board in the land. We do not, from a consideration of a possible abuse, disband our courts, wipe out all civil laws, and live in the primitive state of the original occupants of our country.

I may be excused for referring to one or two patentees of whom I had personal knowledge during my early practice as illustrations of two classes of inventors, to wit:

Atwood, the inventor of the sun burner and straight chimney, being unable to induce manufacturers to place his improvements on the market, borrowed the money to have his patented articles made and then himself peddled the same from an open wagon around the streets of Chelsea, Mass. In seven or eight years thereafter he had accumulated seven or eight hundred thousand dollars out of his invention.

Another party who obtained a fourteen-year patent, under the old law, then secured an extension for seven years, collected sixty-three thousand dollars during the last—twenty-first year—of his patent.

These cases are mentioned merely as examples of cases where meritorious inventors were not taken up by experts who ought to be able to appreciate the improvements, and of the delay that may follow the issue of a patent before the patent becomes productive.

While I have laid stress herein upon the necessity of the enactment of some law to provide for the extension of patents in order to promote the interests of the people at large as well as to reward meritorious inventors, I am not unmindful of the fact that in proportion to the cost of patents there is no form of investment, taken all in all, that begins to compare in the measure of benefits with that which results from the promotion—development—of patents. It is a poor patent indeed that does not yield, in one form or another, a handsome return. Every patent does not produce a million, or a hundred thousand, or ten thousand, but the rewards come in every conceivable form. Notwithstanding this favorable showing in the behalf of patents, it constitutes no argument, from the standpoint of the statesman, why even better results, if possible, should not be brought about in favor of the unrewarded inventors when their rewards mean greater benefits to the public.

In connection with the writer's professional service in the prosecution of applications for extension while assisting the late Commissioner, Hon. D. P. Holloway, in the management of his large practice as a specialist in patent cases, I learned that only about 2 per cent of the total benefits of inventions went to inventors, while 98 per cent went to the public.

An argument that has been used in opposition to the extension of patents is that the extension would leave the date of expiration of a patent "uncertain," and that such uncertainty would unsettle the legitimate plan of intending manufacturers, leaving them all at sea.

That is to say, that an inventor who has made and patented an invention and diligently striven during the life of his patent to promote it and secure remuneration therefor, but has been unsuccessful; whose efforts may have represented years of labor and toil and the expenditure of all his means, even to the sacrifice of the necessaries of life for those whose prospective comfort and happiness was his chief aim and care, should be deprived of a further opportunity, admitted to be justly due to him in view of the facts in his case, to secure a reward for his invention because some ignoble, mercenary creature, himself incapable of making an invention which would add anything to the sum of human knowledge or happiness, and who has watched the fruitless efforts of the inventor to introduce his invention, and who, selfish being that he is, has been busy making money all the years that the inventor has toiled in making and perfecting his invention and exerting himself to put it on the market, objects to the Government doing that which would give reward to whom it is due and thus promote the progress of the useful arts, in order that he, ignoble wretch, may come in at the hour of victory and appropriate to his own use the reward that is justly due to the inventor. The most charitable view that can be taken of such an argument is that it is evidence of thoughtlessness and of hasty and superficial consideration of great principles.

Are such plans "legitimate?" Are they honest? Are they not inhuman, degrading, offensive to any man who appreciates his reasonable obligations to his fellow-beings? We might as fairly undertake to deprive the returning soldier or sailor, battle scarred or ruined in health, or both, of the credit for his patriotic service for his country and to transfer it to a stay-at-home whose only excuse for not going to the front was his cowardice and his selfishness.

"Legitimate plans," indeed. We might as well give the grain of the farmer to crows, the game of the huntsman to vultures, and the product of honest toil to pirates.

ANOTHER CONSIDERATION PRESENTS ITSELF.

It has been the glory of the country that it has led other nations in its liberal treatment of inventors. This country was the first to enable the inventor to obtain, at a moderate cost, a patent which carried on its face a reasonable presumption of its validity. To this liberal treatment of the inventor the vast progress of the United States has been largely due, according to the opinion of the most competent to pass on such matters. Yet, in one respect, this liberality halts. While other countries provide for extensions, in proper cases, the United States, which owes a greater debt of gratitude to the inventor than any other nation, denies what he is entitled to by every principle of gratitude, good faith, and even of expediency. If this denial of justice resulted from a deliberate action of Congress we might well regard it with feelings of shame and discouragement. An examination of the records of Congress has, however, shown, as noted in a previous portion of this paper, that such denial was not deliberate, and that the change in the law which involved it was probably due to the anxiety of the conference committee to pass the main provisions of the bill under consideration, leaving a restoration of the extension clause of the old act as a matter for later action.

However, wittingly or unwittingly, a great wrong has been done which it becomes every day more incumbent on us to undo.

Very respectfully,

JOSEPH R. EDSON.

WASHINGTON, D. C., *February 28, 1903.*

EXPLANATORY.

This paper or statement has been prepared for general distribution among inventors and their assigns, manufacturers of patented inventions, legislators, and the legal profession who are interested in inventions and the administration of the patent laws.

Your careful consideration of the same is requested with a view to obtaining your cooperation in efforts to secure the passage of a general bill providing for the extension of patents, substantially in accordance with the practice as built up under the act of 1836, under the provisions of which patents were extended by the Patent Office until March 2, 1875.

If you are in favor of the movement to secure the desired legislation, please give notice thereof to the undersigned; placing the word "Extension" on the outside of the envelope, so that you may be placed in communication with associations or committees that may appear before Congress to urge the passage of the proposed bill. If you desire an answer, or wish to have progress reported to you, you should inclose a stamp for return postage.

The intelligent and patriotic cooperation of those interested in patent property and in the continued material development of the industries of our country, will certainly result in legislation which will undo the injury to the country and the injustice to inventors which have become more and more apparent since the seventeen-year patents began to expire in 1878, and especially since about 1886, five or six years after the first patents issued under the act of 1861 began to expire.

The service which I rendered at the solicitation of an old and meritorious client in the preparation and prosecution of a private bill before Congress to secure the extension of a patent brought facts to my notice which convinced me that the position of Congress on the matter of the extension of patents is almost universally misunderstood.

In fact, during the past two years, during which period I have given this subject more or less consideration from time to time, I have not met one person, layman or lawyer, who could give a true explanation of the position of Congress on this subject or explain why more private bills have not been passed.

In my humble judgment, no amendment to the patent laws could do as much for the honor and glory of our country as the passage of some general law for the extension of patents in proper cases.

Such a law would at once stimulate invention by the encouragement it would give to inventors, and who have failed to secure suitable remuneration for their inventions.

The maintenance of the commercial supremacy of the United States demands that this encouragement be given to inventors.

Inventions have brought the Pacific Ocean as near to New York, measured by time of communication, as Pittsburg or Harrisburg, and all countries of the world, commercially considered, near to the shores of the United States, and the time has now come when nations, as well as individuals and firms, vie with each other in the commendable effort to secure trade supremacy.

As Senator PLATT has well said, "We must look to the inventors of our country to maintain the supremacy which we have achieved."

In view of the nation's absolute dependence upon her inventors to do this, and in order to check the decline in invention which, as shown, appears to have set in about 1887, it behooves us to see to it that inventors are not treated unfairly, thoughtlessly, indifferently, or unjustly, but that they be shown appreciation according to their deserts.

It will be remembered that Professor Robinson says (Robinson on Patents): "Thus, although at the outset our patent laws were in some important aspects more favorable to the inventor than those of England, the development of the theory that the inventor is necessarily a public benefactor, and that the means adopted for his protection and encouragement are in themselves promotive of the public good, has here as well as there produced its legitimate results in the constant increase of his exclusive privilege and the corresponding limitation of the public rights."

In conclusion I again quote from Commissioner Fisher, whose numerous reforms in the Patent Office and whose eminent ability as a patent lawyer make him a conspicuous figure among the many men who have honored the office of Commissioner of Patents:

"What is now needed is the perfection of the system, better and more complete means for carrying it on, and more effectual means for protecting the inventor."

A sense of patriotic duty impelled me to undertake this work. If my feeble efforts at the outset eventuate in the enactment of a law which will add to the honor and glory of my country and promote the comfort and happiness of some of a class of most worthy citizens in recognition of their efforts to promote the general welfare and to help themselves, I shall feel more than repaid for my services.

Respectfully submitted.

JOSEPH R. EDSON,
Washington, D. C.

The Trusts.

SPEECH

OF

HON. EDWARD MORRELL,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury disclosing their true financial condition and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. MORRELL said:

Mr. SPEAKER: There is no serious division of opinion among the public or public men, I believe, as to the desirability of keeping within reasonable bounds and control the great consolidations of capital and enterprise which have come to be called "trusts." But as to the manner and means, and as to the degree and severity of the restraining or controlling treatment, you can hardly find a dozen men anywhere who are of the same mind. There is a great deal of misinformation and misunderstanding about the trusts, Mr. Speaker. There is and has been a great deal of wild talk about killing and exterminating the trusts. A great many prescriptions for curing or killing the trusts have been offered by men who evidently knew little or nothing about the subject. I believe I realize as fully as any member of the House the actual dangers appertaining to the trusts, and I wish as heartily as anyone for the elimination of these dangers; but I am sure that the evils complained of or apprehended would not be avoided by exterminating the trusts, even if such extermination were possible, and I am quite positive that the trusts have been evolved in a perfectly natural manner in the course of the onward movement and development of business operations in this busy and prosper-

ous nation, and that any attempt to violently uproot them and annihilate them, if successful, or even if only partially successful, would entail a commercial catastrophe greater than any ever yet experienced. If it be true, as stated by all the so-called antitrust men, that the trusts actually control and monopolize, approximately, nine-tenths of the industrial enterprises and products of the country, any business man or any man of good sense, it seems to me, must see the absolute necessity of proceeding against them with great caution and in a conservative spirit.

It is possibly true that the great business combinations of recent years have become too powerful and too highly capitalized for public safety, and that the situation demands some remedial action. But such an immensely important matter as this can not be managed by Tom, Dick, and Harry, or safely intrusted to the dictation of persons who know nothing about either business or legal matters. In my opinion it is absurd to think of such a thing as to subject the examination of a great corporation's business books and papers, with a view to recommendation for legislation, to a commission or bureau managed largely by young and inexperienced $2,000 clerks. It is also useless, I think, for the average Congressman to cherish the opinion that he knows enough about the subject to cure the trouble by a bill of his own.

This is a far harder and more delicate matter to settle than the Philippine currency question or the Cuban reciprocity question or any other of the prize problems of the day. It should be intrusted to the legal department of the Government, headed by the leading law officer of the Government, and to the higher courts.

The great variety of specifics that have been recommended in this case show at once how important a case it is and how little positive knowledge there is about it among the people at large and their representatives in Washington. The President himself has expressed at different times quite different opinions as to what he thought was best to be done, and in this uncertainty he has been imitated by scores of our public men. I do not blame him or them for these changes of mind. They only prove that the subject is a big and complicated one, and not to be solved offhand or by a two-days' debate. But the agitation has served to bring on a regular trust fever in Congress here—a kind of panicky feeling not at all justified, in my opinion, and certainly not a state of mind favorable to the formulation and enactment of reasonable, farsighted, fair, just, equitable public measures relating to a matter of so much consequence to every man, woman, and child in the country.

We have already on the statute books a law which would appear quite ample to cover cases of restraint of trade by corporations which deserve to be legally proceeded against and punished. This law, it is said by many, is a failure because it can not be enforced. A great many convictions have been secured under it, but they still say it can not be enforced. Why can it not be enforced? The President and others have supplied the answer to this question, and it would seem the part of wisdom to make it possible to enforce this law, in accordance with suggestions already made, before entering upon a course of additional and very likely unnecessary, if not absolutely harmful, legislation.

On December 2, 1902, I introduced a joint resolution providing that the sum of $250,000 be appropriated to enforce the antitrust laws of the United States, under the direction of the Attorney-General. It then seemed to me that the Sherman antitrust law of 1890 and the interstate-commerce law of 1887 were sufficient to prevent the evils complained of. This resolution was intended to carry out the suggestion of the President in regard to this matter in his last annual message, which was as follows:

> The Congress has not heretofore made any appropriation for the better enforcement of the antitrust law as it now stands. Very much has been done by the Department of Justice in securing the enforcement of the law, but much more could be done if the Congress would make a special appropriation for this purpose, to be expended under the direction of the Attorney-General.

Mr. Speaker, I believe that if Congress had acted promptly on this recommendation of the President and had furnished the Attorney-General with ample means of carrying existing law into effect, more and better results would have followed than by new and more or less crude legislation, especially if without adequate means of enforcement.

Laws will not execute themselves automatically. They provide machinery and lay the track along which that machinery should proceed; but if they do not provide the necessary means for putting that machinery in motion they are utterly useless—worse than useless.

The President no doubt realized this when he urged us to make special appropriations for that purpose. He also realized that the Attorney-General of the United States should control all the financial as well as legal means and all the machinery for carrying the laws into execution. Believing so, he urged us to provide that whatever money might be specially appropriated by us should be expended under the direction of the Attorney-General of the Department of Justice and none other. He did not then recommend the creation of a bureau of corporations in some other department of the Government, over which the Attorney-General would have no direct control. The President's idea seems to have been to enable the Attorney-General to employ lawyers of the highest order of talent and the best professional standing to assist him in a work where the opposing counsel would be sure to be men of similar caliber and among the ablest lawyers in the country. Surely, the Attorney-General of the United States and the ablest jurists whom he could select would be the only proper persons to be pitted, on behalf of the Government, against such men.

I am still in the attitude of urging this resolution because of its spirit and purpose. I realize that the object desired will be obtained through the amendment to the legislative appropriation bill which was put in that bill upon the motion of the distinguished gentleman from Iowa [Mr. HEPBURN], if that amendment should be adopted by the Senate and pass into law. That amendment is in line with the thought, which I deem worthy of all emphasis, that the control of this whole matter should lie in the Attorney-General, and that the present laws, properly enforced, will be sufficient for the purpose desired.

In this connection I wish to recur again to a point I have already alluded to briefly. Some of the new legislation provides for bringing into publicity the affairs of all corporations engaged in interstate commerce, and to this end the books and papers of such corporations are to be subject to the inspection of public officers whenever the correctness of the reports made by such corporations are not entirely satisfactory to the officers of the Government. Searches and seizures may be made under this provision of law. And hence, considering the means and manner of securing such publicity, we must not forget the limitation placed upon our legislation by the fourth amendment to the Constitution of the United States which provides that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated."

In the case of Boyd *v.* United States (116 U. S., 616, 621) the Supreme Court of the United States discussed the application of this provision of the Constitution to section 5 of the act of Congress of June 22, 1874, which authorized a court of the United States, in revenue cases, on motion of the Government attorney, to require the defendant or claimant to produce in court his private books, invoices, and papers, or else the allegations of the attorney should be taken as true.

This provision of the act of Congress the Supreme Court held unconstitutional and void so far as it applied to penalties or went to establish a forfeiture of the party's property or vested rights, for the reason that it was repugnant to the fourth amendment to the Constitution. Justice Bradley's opinion in that case is well worth reading in this connection.

If the evidence sought does not go to the extent of raising the question of some penalty or forfeiture, but relates merely to taxation or reasonable regulation, it would not be held unconstitutional. But is the publicity plan proposed in the pending legislation of that kind? Is it less liable to objection than the provision of the act of 1874 which empowered the courts to require the defendant to produce his private papers in court? Is there no penalty or forfeiture involved in this publicity scheme? And is not the proposition to allow a bureau chief and subordinate clerks the power of intermeddling in the private business affairs of great corporations, and thereby in the affairs of all the people who compose those corporations, likely to result in "unreasonable searches and seizures" of the "papers and effects" of the people? Would it not open the door for intolerable bribery and corruption and persecution? Would it not violate the spirit of the fourth amendment? On the contrary, in the hands of the Attorney-General, investigations of the kind proposed would probably be conducted in all cases reasonably and properly.

Let us take care that we do not overreach ourselves and produce mischiefs a hundredfold greater than any now existing. The President showed exceedingly good judgment, I think, in that part of his message where he deprecated hasty and ill-advised legislation concerning trusts. And I repeat, as applicable to the plea I am now making, his prudent advice. He said:

> In curbing and regulating the combinations of capital which are or may become injurious to the public, we must be careful not to stop the great enterprises which have legitimately reduced the cost of production, not to abandon the place which our country has won in the leadership of the international industrial world, not to strike down wealth with the result of closing factories and mines, of turning the wage-worker idle in the streets and leaving the farmer without a market for what he grows.

I know of nothing better calculated to produce all these evils than "unreasonable searches and seizures of the papers and effects" of great and successful corporations engaged in interstate

and international commerce. I do not doubt our constitutional authority to pass a measure requiring needful publicity and the enforcement of it in a reasonable manner by reasonable means where penalties and forfeitures are not aimed at. Indeed, it has been decided by the courts that a statute allowing the supervisor of internal revenue to issue a summons for the production of books and papers is not a violation of the fourth amendment. (1 Abbot Circuit Ct. Reports, p. 317.) And there are numerous decisions of the same kind. But I do deny that in legislating for the control of great corporations, numbering among their officers and stockholders thousands of the people of the different States, Congress has the right to require or enforce publicity by unreasonable means or instrumentalities. I insist that in a matter of such vast importance the Department of Justice is the proper and the only proper custodian of the power to enforce publicity. Therefore I argue and urge that Congress should pass this joint resolution for carrying out the President's recommendation on the subject. If the constitutional question of reasonableness or unreasonableness may arise in every case under a "publicity" law, as I believe it may, the need of prudence and honesty of the highest order in the administration of the law becomes all the more obvious.

None of the proposed new antitrust measures contain any provision for the means of carrying into execution either the old law or the new. They would all be like steam engines without fuel or water; while the President's recommendation, embodied in this resolution, would, if adopted, result in the enforcement of the law as it stands, at least. And accordingly, whatever else we may do or not do, this resolution ought to be passed as a distinctive proposition indicating a definite policy.

As I said in my statement before the Judiciary Committee last December, the size of the suggested appropriation is not so great that it could not be granted with perfect consistency, and I think it is sufficiently large for the present needs of the service. The passage of the resolution would in no way conflict with any new legislation that may be designed or perfected, and without question it would be highly desirable, in any case, to put at the disposal of the Attorney-General the means necessary for conducting whatever investigation or prosecution he may desire to make under existing law.

Since the suggestion was made originally by the President in his last annual message, I hope it may not be thought improper for me to state that I have had communications from the Attorney-General on the subject of this resolution, and that he approves it, both as to its character and as to the amount of money which it carries. At his suggestion I saw the President on the subject, and the President also approved it, referring to the passage in his message which deals directly with this matter. I have no reason to believe that either the President or the Attorney-General has changed his mind since December in respect to the advisability of the legislation and appropriation which I propose.

This, it seems to me, would constitute the safest and most sensible method that we could employ for dealing with the trust problem. I repeat that it is a problem of great difficulty, delicacy, and complication. It involves practically a rearrangement and readjustment of the entire business system of the country. The salvation or the ruin of the nation may depend upon the prudence and wisdom, or the imprudence and folly, of our present deliberations and decisions. Surely it is a time for the utmost calmness, coolness, and conservatism. We ought to act in the present crisis like the officers of a steamship threatened with shipwreck, and not like a crew of ignorant Lascars or like a lot of panic-stricken passengers.

Let us not run away with the idea that the trusts are a Goliath and that we are called upon to fill the rôle of David. The trusts are not a cancer in the body politic; they are not an excrescence on the body politic; they are a part of the vital principle of the body politic. They need to be properly regulated and watched and controlled, just the same as any vital organ of the body needs to be, but in like manner they need to be guarded from violent injury. They are just as truly a natural and logical development of the industrial and commercial activity of the age as is the printing press, or the locomotive, or the sewing machine, or the typewriting machine, or any other labor-saving machine, or as the telegraph, or the telephone. Stated briefly, their main object and office is to enable business to be carried on more effectively and economically, and to facilitate the absolutely necessary extension of our markets abroad for the disposal of our surplus production, and for the continued employment of our army of workingmen. That many and great evils have arisen in the course of the evolution of this new and important business system, nobody denies. But the evils should be attacked in a manner which will insure the preservation of the benefits flowing from the trusts. In cutting down the weeds we must be careful not to cut down the useful, fruitful plants.

Agricultural Appropriation Bill.

SPEECH

OF

HON. JOHN J. FEELY,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 24, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904—

Mr. FEELY said:

Mr. CHAIRMAN: During the last week, when we had under debate the proposition to create a department of labor and commerce, members favoring the bill constantly called attention to the fact that the great success of the Department of Agriculture was a standing argument why this House should adopt the proposition for the creation of that new department. I believe that the Department of Agriculture has been a great success. While the field for successful labor is exceedingly broad, and while the results achieved have been of the greatest benefit to the people of the United States, I am inclined to believe that the magnificent and striking results which have followed the successful launching of this Department have been in a great measure due to the character and remarkable ability of the gentlemen who have successively administered the executive duties of that Department.

Within a short period after its institution that distinguished citizen of Wisconsin, the Hon. Jeremiah M. Rusk, a former member of this House, took charge of it and developed it with signal success. The late J. Sterling Morton, of Nebraska, gave to its administration four years of his brilliant and forceful life. And now, administered as it is by that broad statesman and aggressive citizen of Iowa, it has been placed upon a solid basis of usefulness.

The present Secretary of Agriculture, Mr. Wilson, allows no politics to interfere with the administration of his office. He is courteous alike to everyone and always watchful in behalf of his Department.

I have read with pleasure his report for the fiscal year ending June 30, 1902, in which he discusses ably and well the many matters in the various offices and bureaus intrusted to his supervision. The vast advances made in developing the work of the Weather Bureau, providing for the warning of approaching storms and hurricanes, of killing frosts, etc., ought to appeal to every tiller of the soil that owes allegiance to our great Government.

Wireless telegraphy, beyond the dreams even of the scientists of the early part of the nineteenth century, occupied much attention from the chief of the Bureau during the past year.

Under the head of the Bureau of Animal Industry, organized by act of Congress, 1890, and supplemented by act of March 3, 1891, by an act providing "for the inspection of live cattle, hogs, the carcasses and products thereof, which are the subjects of the interstate commerce, and for other purposes." The remarkably healthy condition of the packing industries of the country is the strongest indication of the great wealth and remarkably stable condition of the agricultural industry.

The Secretary reports 59,158,648 ante-mortem inspections of animals intended for slaughter, which shows an increase over the number for the year previous of 2,789,338. The cost of these inspections was 1.08 cents each. The number of post-mortem inspections was 38,903,625. The carcasses condemned numbered 61,980, besides 17,445 parts of carcasses. This very last statement shows the great industry of the Department, and the prevention of the consumption by the American people of many thousands of pounds of meat absolutely unfit for food. The processes of meat inspection, tagging, branding, and stamping is proceeding with machine-like regularity, demonstrating the discipline and efficiency prevailing in the Department.

The significant feature of this report is the statement that "the number of clearances of vessels carrying live stock for the fiscal year ending 1902 was 837, which is considerably less than the previous year—a condition due to the decreased exports of cattle and horses." Under this Bureau was also carried on the inspection of 65,213 cattle, 3,776 sheep and lambs; also a few asses, mules, and hogs admitted from the Republic of Mexico. This, also, is the Bureau which maintains a strict quarantine at the ports of the seacoast in order to prevent the introduction of animal plagues.

The live-stock growers have a right to and do demand a most rigid inspection at these ports in order to prevent the admission of diseases which may cause them many millions of dollars direct loss. To prevent this, and with an economical eye to

the heavy expense which the Government would be under to eradicate these diseases, as shown by the remarkably large appropriation made by this Congress to eradicate the foot and mouth disease now prevalent in New England, the Secretary of Agriculture is exacting a most rigid inspection and examination at these ports.

It may be interesting to the farmer, busy man as he is, engaged in his daily pursuits, to learn that in spite of our vast institutions of cattle, sheep, and hog raising, we have imported from the Dominion of Canada cattle, sheep, and horses to the number of 27,716, 148,313, and 3,305, respectively, and also 5,356 hogs, which were not subject to quarantine. There were also imported and quarantined 1,214 cattle, 231 sheep, and 33 hogs.

In the endeavor to do the utmost to prevent the importation of cattle affected with tuberculosis the Department has established a veterinarian in Great Britain, whose duty it is to test with tuberculin all cattle over over six months old destined for ports of the United States. The report shows that 139, out of a total of 1,067, were rejected in the past year. These cattle for the most part are brought over for breeding purposes, and the value of such an inspection must be very clear.

The work of stamping out Texas fever, blackleg, sheep-scab, tuberculosis, hog cholera, and foot-and-mouth diseases is progressing with renewed vigor as a result of the liberal appropriation made by Congress for this purpose.

A closer scrutiny and a more thorough acquaintance with this Bureau will demonstrate its value to every live-stock breeder, no matter how small his capital, and will amply repay him by a demonstration of the economy and thrift which should be part of his daily system of management.

Thousands of acres in the vicinity of some of our large cities are left to waste, while they are amply able to yield thousands of dollars of revenue were they properly and scientifically stocked with animals. In the remarks I am now making I have not the time to go into details concerning farm management and the development of the various plants. I can only say that the unrestrained communication with the Department on the part of the farmers of our country is most valuable and that they, the farmers, should not be backward about addressing this executive branch of our Government, as it will be of great avail in the pursuit of their occupation.

A very creditable feature of the work of last year was that concerning the farmers' institutes, and the recommendation of the Secretary of Agriculture that $6,000 be appropriated by Congress to enable the office to establish experimental stations to aid the farmers' institutes during the fiscal year 1904 is one which in my judgment should meet with approval. The farmers' institute is a great rural convention. Here ideas are interchanged, and a friendly rivalry often brings out the ability frequently latent in rural communities; here is discussed intelligently the business in which the people of the community are most interested. Farmers' institutes are now held in 44 States and Territories, and 2,300 institutes are annually held. These have been encouraged by this appropriation. The Secretary can develop the farmers' institute until it shall be a productive assemblage in every community.

Mr. Chairman, I desire also to call your attention to the provisions of the last section of the bill, which provides the appropriation of $30,000 "to enable the Secretary of Agriculture to make inquiries in regard to road management throughout the United States, to make investigations in regard to road making, and the best kind of road-making materials in the several States. I can not, Mr. Chairman, too strongly express my unqualified approval of this appropriation. I would not for one moment sanction any of the sweeping measures such as have been introduced by some members here for the wholesale appropriation of money to develop roads of this country. But so long as we confine ourselves to experiment work, to the gathering together of information that will enable the experiment to cooperate with the various communities in the development of a system of good roads, the Department should be encouraged by as liberal appropriation as is reasonable and fair.

The history of the good-roads movement is epitomized by the Secretary in his Report, on page 117, in which he deals with the question of "cooperation in object-lesson road work." He says:

> The building of object-lesson and experimental roads has, during the past year, assumed a position of higher importance than ever before in the work of this office. Most of this work during the past year has been done in cooperation with several forces, each having a special interest in the improvement of public highways. The first of these cooperating forces, the National Good Roads Association, was organized by public-spirited citizens to promote, by agitation and organization, the improvement of public roads. Its work is educational in character, and one of its aims is to organize State and district associations. The second of these forces, the manufacturers of road-building machinery, contributes to the cooperative work the use of machines for building sample roads as well as experts to operate and explain this machinery. The third, one or another of the great railroad corporations, contributes the use of a train, popularly known as a "good-roads train," to carry from place to place, along its lines, the machinery and representatives of all the cooperative forces.
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> In this work the railroad corporations are actuated by a desire to develop the country tributary to their lines; particularly to secure the improvement of the roads over which commodities must be hauled to and from their stations. The Office of Public Road Inquiries of the Department constitutes the fourth cooperator. Its work is advisory, supervisory, and educational. The people of the various communities in which conventions are held and sample roads built may be mentioned as a fifth cooperating force, and a very important one, since it is not only the principal recipient of the benefits, but must furnish the money, the materials, the common labor, and the horse-power needed in building the object-lesson roads.
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> The character of this cooperative work can best be indicated by briefly describing the work done in the South during the past autumn, winter, and spring. In October, 1901, the Southern Railroad Company fitted up a good-roads train, consisting of a locomotive and 12 cars, which carried the representatives of all the cooperating forces and road-building machinery furnished by five of the principal concerns that manufacture such machinery in the United States. The itinerary of this train extended through six States—Virginia, North and South Carolina, Tennessee, Alabama, and Georgia—and covered a distance of 4,037 miles, the whole campaign occupying over five months. Stops of a week or more were made at 18 different places, at each of which a road convention was held and object-lesson and experimental road work done.
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> This practical work included the improvement of earth roads, the building of gravel, chert, shell, sand and clay, and macadam roads, the object being to utilize local materials wherever possible and to illustrate the best methods of using them. Many thousands of people attended the sessions of these conventions and took lessons in practical road work. Addresses were delivered by many men of prominence in political, educational, and religious fields, as well as by scientific and practical road builders and representative farmers. Permanent good roads associations were organized in every State visited. It is believed that the work done has aroused a deep and permanent interest in road improvement in the States visited, and has started a movement for better roads that will ultimately yield results of inestimable value to the South. Plans for work of a similar character in several Northwestern States have been matured and will be carried out during the current year.
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> Aside from the cooperative work just described, the office has done much sample road work in cooperation with the State and county officials, educational institutions, and experiment stations. In this way sample roads have been built in four States: Maryland, West Virginia, Ohio, and North Carolina.
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> The demand of object-lesson road work of the character indicated is very great and comes from all sections. The office has been able to comply with only a small part of the requests for its active participation in the building of sample roads. During the coming year work of this kind will be extended as greatly as the force and means of the office will justify. It should be remembered that this object-lesson work costs the Department nothing except the salaries and expenses of its employees. In view of this fact, and of its great practical value, the propriety of extending work of this kind seems apparent.
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> The road-material laboratory is operated in collaboration with the Bureau of Chemistry, and its operations have already been discussed in connection with the work of that bureau. The increasing demand for services of this laboratory shows that its work is appreciated by practical road builders.

Mr. Chairman, I know the readiness with which many scoff at the question of public road improvement; I appreciate the strength of the arguments, used by those who see little merit in the movement, that the steam railroad—that the trolley car, penetrating, as it now does, vast rural territories, meet with every necessity. But I believe that the farmers of this country, indulging their natural pride, appreciating the economy of progress and the value of rapid and comfortable locomotion, appreciating the economy of time and of force which is involved in the question of good roads, will yet awake to this movement, and that in the course of time they will take hold of this question in a patriotic fashion, characteristic of them, and carry this grand cause to a successful fruition.

Is it too much to dream of the farmer of the future moving his products over macadam roads universally, riding in comfortable and modern vehicles, living in the most modern residences, enjoying alike the beauty, the picturesque, the hygienic, and salubrious climatic features of country life, and the modern elements of comfort afforded by city life?

The Appian way and the military roads of the Roman Empire must, if progress of the future can be divined from the history of the progress of the past, give way in splendor and usefulness to the beautiful roadways that science and public spirit will dedicate to the public of the United States.

Mr. Chairman, the Twelfth Census of the United States, referred to in the report of the Secretary of Agriculture, is astonishing in its demonstration of the magnitude of the agricultural industry. Twenty billions of dollars, four times the fixed capital invested in the manufactures, expresses the fixed capital invested in the agricultural industry—land, buildings, implements, machinery, and live stock. During the year 1900 there were approximately 5,740,000 farms in the United States, covering an area of 841,000,000 acres, 415,000,000 of which consisted of improved land. The land values alone represent an investment of $16,675,000,000. By this same census report it is shown that 40,000,000—more than half of our total population—reside on farms. Five billion dollars represents the products of American agriculture for the year 1899. The crop of indian corn which formed the leading item had a value of $828,000,000; hay and forage, $484,000,000; wheat, $370,000,000; oats, $217,000,000; cotton, $324,000,000; live stock, $900,000,000; milk, butter, and cheese, $472,000,000; poultry and eggs, $281,000,000.

Let holocaust, pestilence, or famine destroy the great cities of America, the ingenuity, the wealth, the ability, and the productiveness of the agricultural sections will rebuild them in a Phoenix-like fashion, but the destruction and ruin of the agricultural industry would bring destruction and ruin alike to our great Government. This is America's greatest industry.

Princes and lords may flourish or may fade,
A breath can make them as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed can never be supplied.

[Loud applause.]

The Life and Character of the Late Hon. W. J. Sewell.

REMARKS
OF
HON. ROBERT ADAMS, JR.,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, February 8, 1903,

On the following resolutions:

"*Resolved*, That this House has heard with sincere regret the announcement of the death of the Hon. WILLIAM JOYCE SEWELL, late a Senator of the United States from the State of New Jersey, and tenders to the family of the deceased the assurance of its profound sympathy with them in the bereavement they have been called upon to sustain, and the further assurance that this House recognizes the lofty patriotism and eminent abilities of the deceased and the value of his long and distinguished public service to his country.

"*Resolved*, That the Clerk be directed to transmit to the family of Mr. SEWELL a certified copy of the foregoing resolution."

Mr. ADAMS said:

Mr. SPEAKER: I can not say that these memorial services which we hold in commemoration of our departed colleagues appeal to my best judgment. I rarely participate in them, but there are occasions when the distinguished abilities of the departed member make an irresistible call for recognition, and when to this is added a warm friendship of many years' standing one can not refrain from paying the tribute justly due to the legislator and the friend. In my opinion the best eulogy that any man can have is the record of his public services during his life. That opinion is more than confirmed by the case of the distinguished gentleman whose memory I rise to honor. His life was one of acts and deeds and not of speech. His acts are recorded in the records of his Congressional career. His energy is displayed in the many business interests which he brought to a state of almost perfection, and his gallant deeds are written on the pages of the history of the country he loved so well.

The life of General SEWELL is one of the grandest illustrations of the liberality of our institutions, as founded by our forefathers, to enable individual worth and individual energy to have full opportunity for their development under our free institutions, regardless of station in life or the support of powerful influence.

Senator SEWELL, inspired by that active ambition which predominates in the Scotch-Irish character, emigrated to this country at the age of 18 years. He at once entered upon his life work with a clear and vigorous mind and with a stern determination to meet every duty and trust with his best effort. He was engaged in mercantile pursuits until 1861, when the war of secession broke out. With the same assurance that appertained to his daily work he applied in his conviction that his services belonged to his adopted country. He was receiving its benefits. He felt that he must return his obligation in maintaining its integrity. He organized a company of volunteers and was commissioned a captain in the Fifth New Jersey Regiment, and served during the entire war with gallantry and military ability. His devotion to his new duty was such that within a year he was promoted to be lieutenant-colonel, and was severely wounded at the battles of Chancellorsville and Gettysburg. It was at the former battle that while temporarily commanding the Second Brigade of New Jersey he led a daring charge and achieved one of the most brilliant successes of the war, capturing many stands of colors, and so earned his brigadier-generalcy.

At the close of the war, on April 2, 1865, we find him still in the service, taking an active part in the campaign which led to the surrender of General Lee. After his long and gallant service at the close of the war he was brevetted major-general.

General SEWELL'S military career is another illustration of the patient care and strict attention to the matter in charge which always characterized whatever he undertook. A strict disciplinarian, he was noted for his kindly feeling for and the careful attention which he gave to the men under his command. He was esteemed and beloved by all who came into contact with him, and even amid the rigor and hardships of a military campaign the kindly side of his nature was never hardened by the terrible scenes and acts occurring daily under his knowledge.

Senator SEWELL illustrated that type of American soldier who, like Cincinnatus, when the war was over, laid down his sword and returned to his peaceful avocations. He entered into the service of the Pennsylvania Railroad system in its New Jersey branches. Here again his indomitable will and perseverence led to his rapid promotion, and he passed from one grade to another until he became president of one of its roads. Senator SEWELL'S mind was of too active a nature to be limited simply to his business routine. He was naturally attracted to public affairs, and took an active interest in the politics of the State of New Jersey. This State was wise enough to command his services, and he was elected to the State senate. Here the same force of character stood him in good stead, and with the same result, for he became the president of the senate. In 1881 he was chosen by the legislature to be its United States Senator. In that body he was known as the "silent Senator," but the impression must not be gained that he could not express his views, for when his counsel was sought Senator SEWELL could express his judgment in as clear and forceful a manner as any of his colleagues in that illustrious body. It was not lack of ability, it was the modesty and reserve of the man, as he rarely volunteered his advice, but never sought to evade the responsibility of his position when his opinion was demanded.

But, Mr. Speaker, it is left to those who knew Senator SEWELL as a friend and in his domestic relations to most thoroughly appreciate his character. Like all men of reserve, when once a man was taken into his friendship, he was loyal to an uncommon degree and stood ever ready to aid and advise when called upon by that tie. It was my good fortune to see a good deal of Senator SEWELL in a social way, and I will ever prize the opportunity I so had of knowing a man of so pure and honest a character, with such high ideas of his duties in public and private life, and much as the State will mourn his loss and miss his great services, and brilliant as is his record on the pages of his country's history, it will be those who knew him best will mourn him the most.

The Department of Commerce and Labor.

SPEECH
OF
HON. CHARLES F. COCHRAN,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,
Thursday, January 15, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 569) to create a new executive department of the Government to be known as the Department of Commerce and Labor—

Mr. COCHRAN said:

Mr. CHAIRMAN: I address myself first to the main question, Shall this new Department be established? Certainly numerous and plausible arguments in favor of it have been made and if the pending bill only provided for the creation of a Department of Commerce, with misgivings as to the wisdom of further enlargement of the vast system of bureaucracy into which the Government is being transformed, I would yield to the suggestion that the proposed new Department might vastly promote industrial and commercial development and give it my support.

But, Mr. Chairman, the bill proposes to create a Department of Commerce and Labor, thereby vesting the head of the Department with powers and imposing upon him duties which, if not repugnant, are at least not entirely harmonious.

To commit the interests of labor to the keeping of the Secretary of Commerce, to treat the labor problem upon a plane with the transactions of the bourse or the market place, is a mistake so grave that it is grotesque.

Mr. Chairman, what do we expect to accomplish by creating a Department of Commerce? The name of the new Department answers the question. We hope to develop new fields of profitable trade and foster old ones. We hope to facilitate industrial development and promote commerce at home and abroad. What should be the qualifications of the chief of this new Department? Above everything else, he should be a man of affairs, acquainted with the vast subject with which he must deal; vigilant, enterprising, resourceful, and possessed of the sagacity which distinguishes the American man of business from all others.

We will look to this Department to give direction to the energetic campaign that has for its object the conquest of the markets of the world by American merchants and manufacturers.

How to produce the best and at the same time the cheapest

commodities and send them where they are wanted is the most vital problem of international commerce. Upon its solution everything else depends.

Plainly, then, Mr. Chairman, the work in hand calls for the practical experience and training of the merchant, the manufacturer, the financier, and if the new department is to justify the hopes of its founders, at its head must be placed a man uniting statesmanship with much experience in business.

But, Mr. Chairman, I protest against committing to a man such as I have described the safe-keeping of the interests of labor. The labor problem—the problem of the ages—the most vital of problems—is in its very essence a social problem. I would not expect at the hands of the man of per centums and bargains even an honest effort to understand this problem, much less a policy in dealing with it consonant with the welfare of the millions who depend upon the earnings of labor for a livelihood.

The gentleman from Georgia [Mr. LIVINGSTON] says he declines to admit that there is an irreconcilable war between labor and capital. That is not the way to put it. Unquestionably the selfish interests of capital and labor clash, but it is not a war. There is no war between a man who buys a farm and the one who sells it, but the purchaser is eager to buy it at a less price, while he who sells seeks a larger consideration. There is no war between a manufacturer who offers goods for sale and the merchant who buys them, but their interests conflict. Each seeks to promote his own welfare—to increase his own profits. On this line rages the endless contention between labor and capital, and experience has shown that with labor unorganized, with each individual in the vast industrial army segregated from his fellows and fighting the stern battle for bread alone, slavery must inevitably be the fate of the vast majority.

A profound consciousness of this fact has led to the organization of the breadwinners of the United States, and unbending opposition to labor organizations on the part of the great corporations engaged in production warns us that in the future the gravest problem with which statesmanship must deal is how to measurably reconcile the contention that rages between these stupendous forces.

History admonishes us that force can not be relied upon to wisely solve this problem. We should not forget that centuries ago precisely analogous conditions led to conflicts precisely similar to the struggle now going on in this country. On the one side rich employers, arrogant and conscious of the power of wealth and the weakness of poverty; on the other the wage-earners organized into fraternal brotherhoods.

Then, as now, the employer contended that for the laborers to organize and assert the right to deal en masse with employers was an interference with his legal right to dictate to each laborer separate from his fellows the terms and conditions of employment. Then, as now, the rejoinder of labor to this autocratic assumption was defiance, and persistence in the effort to escape by organized resistance the progress of an industrial order which, in the end, if unopposed, would inevitably lead to slavery.

Mr. Chairman, let us see if we can arrive at a precise definition of the issue between labor and capital. It arises thus: A employs a thousand men. If he may deal with them individually, he can say to each, "Take what I offer or quit my employment." With what result? Concede this power and he may dictate absolutely all the stipulations of the labor contract. He may dictate the hours of labor, the price of labor, the kind of quarters the men shall occupy, and thus exercise a tyranny as despotic and all-pervading as ever was exercised by the owner of a chattel slave.

I have never heard from the lips of an enemy of organized labor any satisfactory rejoinder to this arraignment of the industrial system which would result from the denial of the right of the effective organization of laborers.

Of course we hear it said that labor is a commodity, and as such should be sold by each individual laborer in competition with others. This is puerile. Labor differs from all other commodities in many and vital ways. By disposing of his labor, the laborer for the time being disposes of his person. He loses power to control his associations and environment. Furthermore, he must sell his commodity—his labor—to-day, to-morrow, and every day. The merchant, failing to obtain a satisfactory price for his wares, may lay them back on the shelf and await a better offer. Instead of a loss, he may gain by the delay, for the price of his wares may advance. Failing to find a buyer to-day, he may wait until to-morrow.

Failing to dispose of his wares in one place he may carry them to some other market and dispose of them, or may often consume them himself. The laborer can do none of these things. He must sell his labor now—to-day—or it is forever lost. His necessities—the daily wants of himself and his household—compel him to sell his commodity day after day, in good times and in bad, for what it will bring.

It is frequently urged that instead of organizing, laborers should seek other remedies. "If the terms offered by the employer do not suit him he should quit and seek other employment," is about the way it is usually stated. This is generally impossible, and at the best would not help matters. How would he gain a living while pursuing this remedy? Would he better his condition by the change? With no organization to stand between him and his employer, what would he gain by changing taskmasters?

One further observation on this branch of the subject. Recently there has occurred a decrease in the number of independent operators—an increase in the percentage of our population dependent upon employment and wages for a living. There has been also an increase in the percentage of people living in cities. This only intensifies the struggle and increases the gravity of an economic and social problem as old as civilization and trade. It was with our progenitors centuries ago; it will be with our descendants centuries hence. Statesmen and governments have tried in various ways to satisfactorily solve it, and yet I believe its solution is possible.

At every stage of the controversy labor has petitioned for an appeal to reason and the abandonment of force as a means of settling labor disputes. For seven centuries this demand has been spurned by the rulers, lawmakers, and statesmen of christendom. It is met by the doctrinaire of the old school with the declaration that to attempt to establish courts for the settlement of labor disputes is impracticable and visionary. The purse-proud manufacturer and mine owner declare that such a scheme would invade personal rights. The dollar-mark statesman who thrives by dabbling in watered-stock schemes of development says that already the exactions of labor unions have increased the cost of production to a dangerous degree.

These arguments have prevailed and, regardless of the danger that lurks in gathering clouds, we repeat the folly of the ages, and in this free country have made little progress in the direction of rational treatment of the labor problem.

We should not forget that every day the environment of the laborer and the conditions of employment are undergoing changes which add to the gravity of questions to be dealt with. Formerly thousands, probably a majority, of the unskilled laborers, were employed by the year. They may have received a small per diem, but they were secure against idleness for a year. Now the term of employment is precarious.

In most employments, the mechanic as well as the common laborer is now employed by the day or by the hour. The significance of this revolution in industrial life can not be exaggerated. Think of it! Formerly the breadwinner was employed by the year; then by the month; then by the week; then by the day, and now by the hour. In all great manufacturing enterprises the tendency is the same.

To comprehend the importance of these changes in the industrial order, we must take into the account the fact that in dealing with the wage-earners of this generation we are not dealing with the illiterate serfs of former times. A century ago few laborers could read and write. The mechanics and artisans of a hundred years ago were uneducated, and inferior to the wage-earners of to-day in intelligence.

Mr. Chairman, even when the laborer was illiterate harsh legislation, repression, did not prevent him from resisting the oppression inseparable from an industrial system in which the employer claims autocratic power over all the stipulations of the labor contract. Behold a schoolhouse on every hill and in every valley, placing within reach of every boy and girl in this Republic, rich and poor alike, the same avenues to improvement and education, and be warned against persevering in the errors of the past. You can not build schoolhouses and employ teachers to fit men and women for a social paradise, and expect them to dwell in contentment in an industrial hell.

Mr. Chairman, I have digressed from the subject in hand apparently, but it was for the purpose of drawing attention to the fact that the labor problem is a political, a social problem. It must be studied apart from the relation of labor to the profits of the bargain counter. I can not believe that a man capable of meeting our expectations as a Secretary of Commerce would approach the labor problem with any just conception of its true nature or of its vast importance except as it is related to the question of the cost of the production of things. This is one phase of the question, to be sure, and an important one, but it is not paramount.

Your Secretary of Commerce will be drawn from classes and your Department of Commerce will be dominated by influences interested solely in increasing trade and the profits of traders. It is idle to say that the President would appoint a Secretary of the Department of Commerce who would sympathize with the laborer's battle for a better living and sympathize with the employer's quest for cheaper production and larger profits, and who would seek to hold the scales of justice evenly between them.

I think it is demonstrable that unwise and discriminative policies long pursued by the railroads have blighted the villages, prevented the growth of small cities, and thus driven the laborers into the great cities, to their immeasurable injury. Therefore I believe that a just solution of the transportation problem would contribute to the welfare of all wage-earners. Accord to the village, hamlet, and small city transportation facilities and rates such as are enjoyed by the large cities and they will grow and prosper, and the tendency to the congestion of wage-earners in cities will be arrested. If this be true, by moving in this direction we could do more to settle the labor problem than in any other way; yet we are going on in the contrary direction.

The drift of the laboring classes to the great cities is the most ominous sign of the times.

What is the consequence? They occupy crowded tenement houses, dwelling in continual wretchedness, and rearing their families where the roofs, the fire escapes, or the street, must be resorted to for even a breath of fresh air.

I know, Mr. Chairman, that much of the suffering and many of the misfortunes I have mentioned are unescapable, but I know also that many of these evil outgrowths are the result of evil practices, which could be and ought to be prevented. The victims are helpless. Wise statesmanship, uncurbed by the maxim that "Business is business," must find a remedy for such of these evils as are curable, or still greater evils will be visited upon all classes. Hopelessness is the forerunner of despair. Misery is the mother of crime.

Say to the multiplying thousands who swarm in the slums of the great cities that there is no hope of better things, that they and their posterity forever must dwell amid such evil environments, and they will interpret the message as a declaration that as to many (perhaps when the evolution of the industrial order shall be complete, a majority) of God's creatures civilization is a failure, Christianity a farce, and the pretense of just government a travesty. Would such an interpretation of such a declaration be right, or wrong?

Mr. Chairman, I contend that here I have suggested another phaze of the labor problem which must be dealt with. I do not believe it would be regarded as a problem in sociology by the Secretary of Commerce. I do not believe he would consider it at all. Apprised of all its evil consequences, he would probably shrug his shoulders and say, "Business is business," and in five minutes forget that he had ever heard of it. And yet it is the opinion of all sociologists and students of social economics that the tendency to the congestion of wage-earners in cities is the most menacing augury of the times.

It is true that this tendency is world-wide, but it is more marked in the United States than anywhere else, and this, too, notwithstanding the fact that here it should, and under normal conditions would, be least active.

In France, where a population of nearly 40,000,000 occupy an area of territory so small that were you to place it in Texas and make Texas a sea you would have a hundred miles of water all around you, a larger number of people out of every thousand live on the land, outside the cities, than in the United States—a republic continental in area, extending from ocean to ocean, and from British Columbia to the Gulf. Why this difference? It is because the little neighborhood factory is prosperous in France, and the little factory in the French hamlet prospers because in France the large city and the small hamlet fare alike in railroad rates and facilities.

Mr. Chairman, other considerations bearing upon our politics, and closely related to the labor problem, are too important to be overlooked. The lawmaker who has not discerned in recent years political tendencies which, if unchecked, will lead eventually to a complete revolution of the parliamentary situation which has prevailed in the United States for a hundred years has not closely studied events. So far the control of the Government has rested in the hands of one or the other of two great political parties. First the Federalists and Republicans contended for mastery. Later the Democrats and Whigs, and for the last fifty years the Democrats and Republicans have divided the voters into two vast armies, and throughout a century one or the other of these great political organizations has governed this country. Mr. Chairman, the change in the environment of a large proportion of the voters of the country has set on foot a new social movement which, originating in a community of interests, is destined to lead to concerted political action.

We began as a nation essentially rural. During the early years of the Republic the owners of the soil controlled political parties and the Government. The cities now exercise supreme control of the machinery of parties. Thus far the voters of the cities have remained loyal to the great party organizations to which I have referred. How much longer will they continue to be loyal to these parties? How long will our political battles be fought out by two great party organizations and end, necessarily, in placing one or the other of these great parties in control? Sir, I predict that in the not distant future numerous seats on this floor, and later a few seats at the other end of the Capitol, now held by Democrats and Republicans, will be occupied by the representatives of a new party evolved from the interminable struggle over the labor problem, and that the balance of power in politics and government will eventually be held by these newcomers.

Mr. Chairman, the drift of politics in this country during the past six years has given tremendous impetus to this tendency. What ground for hope of fair consideration of the rights of those who toil can be found in the history of American politics during that period? My distinguished friend from Ohio [Mr. GROSVENOR] has just entertained us with a rehearsal of the election statistics showing the great victories of the Republican party in 1896, 1898, and 1900. Unfortunately for the country, his extravagant claims are justified by the facts. But, Mr. Chairman, let us consider briefly the consequences of these glorious Republican victories.

It is true that several States heretofore Democratic were swept into the Republican column in 1896 and have remained there ever since, and the Republican membership of Congress has been strengthened proportionately. The Republicans gained two seats in the Senate by retiring two Democrats from New York and sending two Republicans in their places. To whom were the Senatorships awarded? Were they given to representatives of the laboring men and producers? No. One went to Mr. Vanderbilt's attorney, Mr. DEPEW, and the other to the United States Express Company in the person of its president, Mr. PLATT.

Two Democratic Senators from West Virginia gave way to two Republicans. Who are they? Representatives of labor or agriculture? No. Messrs. ELKINS and SCOTT, partners in the ownership of the West Virginia coal monopoly. A veteran from Ohio, who first and last had more strongly impressed his personality upon Republican politics and policies than any man of a generation in which giants were his colleagues in the Senate, Mr. Sherman, was flattered into surrendering a seat in that august body to the worst member of the gang of newcomers who now control the Republican party machine.

Who is the beneficiary of the conspiracy by which John Sherman, in his dotage, was wheedled into placing himself under the espionage of Mr. Day, from Dayton, and finally retired, broken-hearted, from a Cabinet office in which he had been placed not for the purpose of honoring him with its dignity or with the intention of permitting him to exercise its duties, but solely for the purpose of making a place in the Senate for the chief of the fat fryers. Is he a representative of the millions who toil in shop, mine, field, and factory? No! He is the prince of political boodlers and a type of the stock-jobber statesmen who swarm at party headquarters during campaigns and are gradually taking possession of all branches of the Federal Government.

Do you think the laboring man who, in his home or boarding house, reads the newspapers and knows these facts as well as you do is unaware of their meaning? Gentlemen, these things are driving from his heart the hope of better things at your hands, and he will not much longer follow a party leadership drawn from the directory of corporations and identified with circles essentially hostile to the dearest interests of the millions who toil for a livelihood. [Applause.]

In conclusion, Mr. Chairman, I declare that solely because this bill proposes to place the Labor Bureau in charge of the Secretary of Commerce I am opposed to it and shall vote against its passage. [Applause.]

Life and Character of James Montraville Moody.

REMARKS
OF
HON. CHAMP CLARK,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, February 22, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. CLARK said:

Mr. SPEAKER: When the Fifty-seventh Congress convened, if one had been called upon to select, on view, the two members destined for greatest length of days, he would most likely have

selected R. C. De Graffenreid, of Texas, and JAMES MONTRAVILLE MOODY, of North Carolina. In a month's journey, a traveler would have found no more splendid specimens of American manhood. Robust, in the morning of life, handsome, ambitious, courageous, and patriotic, they have been cut off untimely, suddenly, unexpectedly, to the amazement of their fellows and the sorrow of their friends.

Mr. MOODY served his country both in the field and in Congress. The record shows that he was a faithful soldier and a faithful Representative. He possessed in a large degree the popular manner, and consequently was a prime favorite both at home and in Washington.

It so happened, Mr. Speaker, that I was one of the Congressional committee appointed to attend his funeral at his home in Waynesville, amid the mountains of the old North State—among the people who knew him best. The scenes witnessed there constitute a triumphant refutation of the cynical proverb, "Familiarity breeds contempt." We were among the familiars of JAMES MONTRAVILLE MOODY—his kindred, his neighbors, his political supporters, his political opponents. There was no trace of contempt. There were indubitable signs of affection and grief on every hand.

The rich, the poor, the old, the young, white and black, male and female were there by the thousand, and the only feeling among those mountaineers was pride in the dead Congressman, sorrow for their departed friend. All the preachers of the town participated in the funeral proceedings, and he was followed to the grave by the uniformed societies of the county and by a vast concourse of weeping constituents.

It may be doubted if in this wide, wide world there is a more beautiful or picturesque spot than the place where Mr. MOODY sleeps his final sleep. The mountains which he loved so well stand mute sentinels about his grave. There we laid him to rest to await the final summons which will call the quick and the dead to the judgment bar of God.

Eulogy on the Late Hon. J. M. Moody, of North Carolina.

REMARKS
OF
HON. JOSEPH T. JOHNSON,
OF SOUTH CAROLINA,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, February 22, 1903,

On the following resolutions—

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distingnished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. JOHNSON said:

Mr. SPEAKER: It is fitting that we should pause amid the pressing duties of the closing hours of the session to pay tribute to the memory of one of our fellow-members who has been taken from the scene of his labors by the remorseless hand of Death.

It is well known that the people of mountainous sections of country are remarkable for their intensity of feeling, their love of independence and liberty, their generosity and hospitality, and their want of hypocrisy. The story of William Tell and the deeds of Robert Bruce are immortal tributes to the character of all mountain peoples. They are the most loyal people in the world. If they are your friends you need never doubt their fidelity, and if they are your enemies they never attempt to deceive you.

Such are the people of western North Carolina, and JAMES M. MOODY truly represented them, not only upon the floor of this House, where he was always their able and faithful champion, but he represented them as a man. Those who opposed him knew that he was actuated always by the highest and purest motives, and those who labored with him knew that he never tried to deceive an opponent. The crags and peaks of the Blue Ridge stand like everlasting monuments to the native honesty of his warm and generous heart.

As a member of the Committee on Agriculture, he was in a position to serve his constituents in a substantial way, and his service was always at the command of his people. No member of the House was more deeply interested in the proposed Appalachian Forest Reserve than was Mr. MOODY, because that measure was of more importance to his people than any other that has been before this Congress. Not only the people of his own Congressional district, but all the millions who dwell between the mountains and the sea are indebted to him for his untiring efforts in support of this measure, which is of such vast importance to them.

Of course no words that any member of this Congress could utter would lessen the grief of the stricken wife and children, but it may be some consolation to them to know that he was honored among those with whom he labored, and who knew the nature of his duties, and the manner in which he performed them. He was in the midst of his manhood, and at his post of duty, when Death, which must come sooner or later to each one of us, came rapping at his door, and he has crossed over the river, as we all hope and believe, to begin the better life.

There is no death! The stars go down
To rise upon some other shore,
And bright in Heaven's jeweled crown
They shine forevermore.

There is no death! The forest leaves
Convert to life the viewless air;
The rocks disorganize to feed
The hungry moss they bear.

There is no death! The dust we tread
Shall change beneath the summer showers
To golden grain or mellow fruits
Or rainbow-tinted flowers.

There is no death! The leaves may fall,
The flowers may fade and pass away—
They only wait through wintry hours
The warm, sweet breath of May.

The Trusts.

SPEECH
OF
HON. JOHN F. RIXEY,
OF VIRGINIA,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part—

Mr. RIXEY said:

Mr. CHAIRMAN: During the first session of the present Congress much interest centered around our foreign policy. Many of us thought it was contrary to the principles of the Government to own and hold by force as colonies and vassals islands and people on the continent of Asia. In addition to the traditions and limitations of the Constitution, many of us believed it was not to our interest from a commercial and pecuniary standpoint. It is estimated that we have already spent during the five years on war and warfare $700,000,000, and I believe the statement to be correct that in eight years, from 1898 to 1905, we shall have spent on war and warfare a sum which, could it have been so applied, would have paid off the whole interest-bearing debt of the United States in the same period.

This estimate does not and can not include any computation for the frightful loss of life incident to service in the Tropics. The deaths by bullets have been comparatively few, but by disease frightful indeed; nor does it take into consideration the many hundreds who have returned to the United States as imbeciles or lunatics, or those with health so shattered that suicide has been the fate of many once-promising youths.

We are proceeding to govern these islands under a decision of a bare majority of one of the Supreme Court. Many of us fear that inroads have been made upon the Constitution and its underpinning shaken. During the first session of the present Congress able and patriotic speeches were made to arouse the people to the peril of the sea upon which they were rapidly drifting, but the indifference, not to say complacency, with which this whole subject is now viewed only shows the truth of the couplet:

Vice is a monster of so frightful mien,
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace.

For the time being the foreign policy of the Government, the enlargement of the Army and Navy, and many other questions of great importance were apparently lost sight of. A question of grave domestic concern required redress. For many years it has been justly believed and contended that the tariff laws of this country were used to enable the manufacturers to extort from the consumers a greater price than was reasonable and just.

This was bad enough; but within the past two years evidence has multiplied that this was not only true, but that these same manufacturers, enjoying the protection of our laws, were so little grateful to their benefactors, the American people, that they sold the same kind of goods to foreigners at less price, notwithstanding the fact additional expenses were necessarily incurred in shipping the goods to foreign countries. It is difficult to realize a more exasperating condition of affairs, and it is little wonder that the correction of this condition at once commended itself to the American people as of immediate importance.

The canvass which followed was largely upon this evil, and I would not be wide of the mark to say that all who participated in the debates before the people freely admitted a remedy should be found and applied. Few denied the existence of the deplorable condition that goods manufactured in the United States were ofttimes exported and sold to foreigners at much less price than to our own people. The proof that such was the fact was overwhelming, and I here give a table showing some of these differences:

Articles.	Domestic price.	Foreign price.
Cultivators	$11.00	$8.40
Plows	14.00	12.60
Axes (dozen)	8.25	7.20
Kettles	1.40	.85
Wire nails (100 pounds)	2.25	1.35
Table knives (gross)	15.00	12.00
Horse nails (pound)	.17	.14
Barbed wire (100 pounds)	3.00	2.00
Rivets (100 pounds)	10.00	5.55
Wire rope (coil)	12.00	5.00
Lead (100 pounds)	4.00	2.00
Shovels (dozen)	7.50	5.80
Axle grease (pound)	.08	.04
Washboards (dozen)	3.00	1.70
Meat choppers	2.70	1.50
Barbed wire (100 pounds)	3.00	2.20
Clocks (alarm)	.60	.30
Lawn mowers	4.25	2.75
Fruit jars (Mason's, dozen)	.90	.55

The question first suggested was how such a condition could be possible. It is not denied that, notwithstanding the tariff, if competition were entirely free and untrammeled, goods could be bought at cost with reasonable profit added. The true explanation is that competition in the United States in many lines has been stifled and killed, while the prohibitive Dingley tariff prevents the entrance of foreign competition. This view, I believe, is adopted by the American people.

In addition to the Standard Oil trust and the sugar trust, to which we have all become more or less accustomed, and it almost seems reconciled, combinations are the order the day. Railroads cease competing, combine, and pool their issues and profits. As a consequence freights have been and are being advanced. Combinations have multiplied until almost all manufactured goods are controlled by trusts or combinations. They are numbered by the hundreds, and possibly by the thousands. The operation is simple enough. The few manufacturers of any one line of goods get together and agree to form a combine and divide expenses and profits. If anyone in that branch of trade refuses to come in, the example of the Standard Oil Company is followed—he is squeezed, pushed to the wall, and crushed.

A few examples of this kind are all that is necessary for the success of all others. Men called promoters have come to the front to engineer the deals and form the combinations. They are paid thousands, tens of thousands, hundreds of thousands, and rumor, seemingly well founded, says, in several instances, millions of dollars. It is stated, and I do not think that it has ever been denied, that Mr. J. P. Morgan was paid $10,000,000 for engineering the steel trust, several millions for floating the harvester combine, and I suppose that no one knows but himself, and perhaps not he, how many millions for perfecting the combine of Eastern railroads or the international shipping combine. What he has done on a larger scale hundreds of enterprising promoters have done on smaller scales. All have to be paid, and the sums aggregate many millions. Sometimes the money is provided by an issue of stock sold at good prices. This stock, representing no real value, has to pay dividends, and dividends have to be secured by increased prices. Then larger dividends on these fictitious values are desired and secured by adding to the price of the trust-controlled articles.

It is not to be denied that combinations based on honest values could sell at less prices than many independent concerns, because the expenses are lessened. But the desire, by these "soulless corporations," for gain—to become rich rapidly—comes in as a factor, and seems to know no limits but the ability of the people to pay. While this is true of the home market, there is the best evidence of discrimination in favor of foreigners. Mr. Charles M. Schwab, president of the United States Steel Corporation, before the Industrial Commission, May 11, 1901, said:

Q. Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home market?
A. That is true, perfectly true. * * *
Q. Would you say that when business is in a normal condition the export prices are regularly somewhat lower than home prices?
A. Oh, yes; always.
Q. Suppose you take the case of steel rails. Could you give us about the difference between the export and domestic price?
A. I would have to make a guess; I do not know definitely. The export price was about $23 a ton.
Q. And the price here?
A. Was $26 and $28.
Q. At the same time?
A. At the same time.

And November 14, 1899, John W. Gates, of the same corporation, said that prices of wire nails had been doubled; that his company furnished England with 60 per cent of her supply; that goods were sold lower to foreigners; that his company had a monopoly of the barbed-wire business, etc. The Baltimore Sun, a very conservative newspaper, says of these conditions:

For a keg of wire nails the purchaser in the United States is compelled to pay $2.25. The foreigner can buy the same quantity and quality of nails for $1.50. The American price for a coil of rope is $12. The foreigner can purchase it for $5. For $2 our combine will give the foreigner 100 pounds of lead; the American, however, must pay $4. The man across the Atlantic can buy a dozen American shovels for $5.80; the man in the United States must pay $7.50. American washboards sell in Europe for $1.70 a dozen; in the United States, for $3 a dozen. Our tin-plate trust will sell the European purchaser 100 pounds of tin plate for $3.19. When the American buyer gives an order he must pay the trust $4.19 a hundred pounds. The price of typewriters in the United States is $100, in Europe $55. The foreigner can buy an American sewing machine for $17. The purchaser in the United States must pay $40. Americans have to pay $4.25 for a lawn mower. Our Napoleons of industry graciously permit the foreigner to purchase a lawn mower for $2.75.

This is an abuse which American consumers, who are heavily taxed to maintain the high profits of the industrial combinations, will not tolerate indefinitely.

* * * * * * *

Shall Americans pay double prices for ordinary commodities in order that our Napoleons of industry may capture the European markets? Shall a tariff system which plunders the American citizen for the benefit of Europeans be perpetuated? That is the issue, and it touches the sensitive pocket nerve of every American.

Without stopping to give other instances of the extortion of the trusts, which could be multiplied indefinitely, it is pertinent to inquire here what figure the tariff plays in this extortion. I think it will be clearly seen from a bare statement of the facts that it makes the trust conditions possible, and is therefore responsible for it. The duty on wire nails is 50 cents on the hundred pounds, and on barbed wire $1.25 per hundred pounds. In effect a prohibitive tariff affords a complete shelter to the American steel trust and accounts for the rise in prices since the combine. This condition is duplicated in hundreds of articles now controlled by trusts which are sheltered by the great tariff, which makes outside competition impossible. The great injustice to the American people of such a condition of affairs could but arouse them to demand relief. In many sections of the country the Republicans united with the Democrats in demanding protection against the combines. In Iowa the Republican State convention of 1901 declared:

We favor * * * any modification of the tariff schedules that may be required to prevent their affording shelter to monopoly.

And in 1902 the Republican convention of that State reiterated its demand for tariff revision in such cases. In many sections Republican candidates assured the people that they would vote for tariff revision wherever it sheltered a trust or monopoly, and it is probably due largely to this promise that the Republicans secured a majority in the Congressional election.

Senator VEST said the tariff is—

An interdependent mutuality of greed. When you once establish it, it is established for all time to come, never to be reduced, if it is possible to prevent reduction. The protected industries are like a brood of English sparrows, when one gives a cry of distress the air is darkened with the whole brood rushing to its rescue. When you attack the trust on peanuts, you must encounter the trusts on salt, lumber, wire, meats, and all the necessaries of life.

How will the promise of reform be fulfilled? There is little doubt that the tariff will remain as it is in all essential particulars as long as the Republicans control.

It was in view of the widespread interest in the trust and tariff questions that the annual message of the President was awaited with impatience. It is not putting it too strongly to state that upon these subjects it is distinctly a disappointing message to the people, including many of the rank and file of the Republican party. It can be but gratifying to Senator HANNA and his followers who are "standing pat" and "letting well enough alone," also to the trusts, combines, and monopolies, all of which are for "standing pat" and "letting well enough alone."

The message is also, it seems to me, to some extent contradictory. As stated by a high-protection paper, "He uses vigorous language concerning trusts and the tariff, but it is along the line of conservatism. He carefully avoids sentiments that might

bring disturbances to business interests;" or, as was stated by a very prominent Wall street broker, "The message is entirely satisfactory to Wall street, as it would not disturb business conditions." Entirely satisfactory, evidently, to the protected classes. From the generalities of the President's message it may be gathered that his recommendations for the regulation of the trusts are publicity and the extension of the interstate-commerce law.

As to publicity, we already know that a large part of the trust capital is watered stock, representing no actual value; that promoters receive fortunes for successfully engineering a consolidation of interests; that as soon as competition is stifled prices are raised and consumers victimized, and that goods are sold to foreigners at less price than to our own people. We now know to a large extent what the Littlefield bill proposes to give us in this respect. Public opinion is aroused against the evils of the trusts, but so long as the voters are satisfied with "publicity" the trusts can well be satisfied also, and doubtless are more than pleased with a recommendation for what the people already have, to some extent at least, "publicity" of the evils of the trusts.

The other recommendation, to strengthen the interstate-commerce law, meets my hearty approval. That Commission should have more power in dealing with the questions of railroad rates and interstate commerce; and I indorse the provisions of the Littlefield bill prohibiting rebates. But when this is done it will still fall far short of what I think it should do for controlling and neutralizing the trust evils.

The President is emphatically against the true remedy—tariff reduction. His language is:

> One proposition advocated has been the reduction of the tariff as a means of reaching the evils of the trusts which fall within the category I have described. Not merely would this be wholly ineffectual, but the diversion of our efforts in such a direction would mean the abandonment of all intelligent attempt to do away with their evils.

The Littlefield bill makes no provision for tariff reduction in any case, and whatever pledges the Republican party has made in that direction are violated and broken.

Congress is the only body of which relief can be demanded. Repressive laws—criminal in their nature—should be passed, imposing fines and imprisonment on violators of the antitrust laws. It is stated that five-sixths of all the existing trusts have been formed since the passage of the Sherman antitrust law. The process of criminal prosecution, however, is slow. While one prosecution drags its slow length along the people are being victimized in many other ways by many other trusts.

The remedies I would suggest and urge are—

(1) An automatic, self-acting provision which will take from the extortionists the tariff protection which places the people at their mercy.

(2) A tax upon every trust or combination formed to control the market and fix prices. Congress has the power over interstate commerce and can regulate it as it sees fit. "The power to tax is the power to destroy." The tax by Congress of 10 per cent on the issue of State banks stopped all issue of the State banks. A tax or license on trusts engaged in interstate business might make trusts as unprofitable as the 10 per cent tax made State bank issues.

(3) A tax upon incomes. This would strike the great profits and dividends of watered stock and combined capital. I will not stop now to argue the justice of this tax. Its justice is almost self-evident. This tax has, however, after being upheld repeatedly by various decisions of the Supreme Court, been held unconstitutional by a majority of one of that same court.

For the time being this remedy may not be practical; but I mention it here in order to keep it before the people. The demand for this tax should be repeated and reiterated over and over and over again until by constitutional amendment or otherwise Congress is given the power to tax incomes, and thus in the exercise of a graduated income tax control, and, if need be, destroy trusts and combinations. In addition, the time may come when the necessities of the Government may require an income tax for its support, and Congress should have the power to levy it.

As to the first of these proposed remedies. Let it be provided that whenever an article is controlled by a trust with a view to increasing the price thereof to the consumer, it shall at once go upon the free list and there remain until satisfactory evidence is presented to show that competition is no longer stifled and the article no longer controlled by a trust or combination. The passage of such a law would make trusts unprofitable, and as a consequence undesirable. The high-fed promoters would go out of business; competition would again be opened; new enterprises spring up, giving employment to many, and affording protection, by competition, to the consumer.

The contention is, however, made that the tariff as it now exists, with its protection to combinations and monopolies, is too sacred and vital to the prosperity of the country to be in any way even questioned or considered. We are told that if it were known that Congress would seriously consider an amendment to the tariff laws that at once the whole business interests of the country would be thrown into a chaotic condition and that a financial panic with industrial depression and distress would be the inevitable consequence. Whence comes this contention? The people who have grown rich under these abnormal conditions can easily afford to expend a few millions in securing followers and advocates of their theories. Their riches—the result of exorbitant prices paid by consumers—have come easily, and they are willing to pay, if necessary, for a continuation of such favors. The pretension is made that the consumer, who, tired of being victimized by a trust, insists on lowering the tariff which makes possible such a condition, is an enemy of the prosperity of his country.

The alteration and change in tariff laws have in the past been of frequent occurrence. From 1861 to 1883, inclusive—twenty-three years—41 tariff laws were enacted, only 7 of which, however, were of any considerable importance. The fact is that from the foundation of the Government the making and changing of tariffs have probably occupied more of the time of Congress than any other one subject. It has ever been a fruitful source of discussion and serious consideration, and I will consider it a bad omen, an indication of the decadence of independent thought, an indication of the surrender of the rights of the people to monopolistic greed and corruption, whenever the Congress refuses to consider tariff revision for fear of a panic from the interested and protected sources. It is time to disturb some of the combinations. It is time to take into consideration the disturbed interest of others besides combines.

The controlling idea of the advocates of the first and many of the succeeding tariffs was by it to provide revenue for the Government. Incidentally it was to provide protection to young or infant manufacturing industries. In introducing the first tariff bill in Congress in 1789 Mr. Madison said:

> The deficiency in our Treasury has been too notorious to make it necessary for me to animadvert upon that subject. Let us content ourselves with endeavoring to remedy the evil. To do this a national revenue must be obtained; but the system must be such a one that while it secures the object of revenue it shall not be oppressive to our constituents.

Too much emphasis can not be placed upon Mr. Madison's declaration, "But the system must be such a one that while it secures the object of revenue it shall not be oppressive to our constituents." Does the present tariff violate this test? Who doubts that it does? The tariff of 1789 covered comparatively few items, and the general level of duties was 5 per cent on value. On a few articles of luxury it was higher, the highest being 15 per cent on carriages. Changes were made, and during the war with England in 1812 the import duties were largely increased, in the hope that it would bring more revenue. From this time on the cry of the protected classes was protection to infant industries. Every man or industry that desired favoritism was an infant. In many cases the cry was honest, in many others not. The tariff act of 1816 was about 20 per cent, and was thought to be extreme, but was advocated by Madison, Calhoun, and Clay as a temporary measure to be soon reduced.

Then followed other tariff acts, until in 1833 the compromise act agreed on a sliding scale until 15 or 20 per cent should be reached.

In 1864 the great war tariff of 47 per cent was enacted. This was considered very extreme and justified solely because of the exigencies of the war. In 1870 Senator Morrill, the author of the war tariff, said:

> It is a mistake of the friends of a sound tariff to insist on the extreme rates imposed during the war if less will raise the revenue desired.

In 1870 President Garfield, then a Representative from Ohio, added his earnest support for reduction, saying:

> After studying the whole subject as carefully as I am able, I am firmly of the opinion that the wisest thing that the protectionists in the House can do is to unite on a moderate reduction of the duties on imported articles. * * *

But instead of following this advice and reducing the war tariff of 47 per cent, the Dingley bill practically doubles it.

Other changes were made from time to time, notably the tariff act of 1883; but it remained for the tariff of 1890, known as the McKinley tariff, to take advanced position, throw off all disguises, and boldly show that its sole purpose was protection—an exclusive market. That tariff, with its prototype, only a little more extreme, the Dingley law, now constitutes in large measure the Republican test of party fealty. The favored, privileged, and protected classes, all enjoying special privileges, may all be said to be enlisted under the banner of Republican protection, while the slogan of democracy is still "equal rights to all and special privileges to none."

The evolution in the doctrine of protection furnishes a striking example of how a united, compact minority can by persistent effort and never-ceasing activity secure practical control of the Government and shape its policy in their own interests and contrary to that of a large majority of the people. Henry Clay was

an advocate of the tariff of his day, and is sometimes referred to as the father of the protective-tariff idea. In 1833 he said:

The theory of protection supposes that after a certain time the protected manufacturers will have acquired such strength and protection as will enable them subsequently, unaided, to stand against foreign competition.

Again in 1840 he said:

No one, Mr. President, in the commencement of the protective policy ever supposed that it was to be perpetual.

Again in 1843 he said:

My opinion that there is no danger hereafter of a high tariff is founded on the gratifying fact that our manufacturers have now taken a deep root. In their infancy they needed a greater measure of protection, but as they grow and advance they acquire strength and stability, and consequently will require less protection. Even now some branches of them are able to maintain in distant markets successful competition with rival foreign manufacturers.

When Clay made this speech in 1843 the tariff was something over 20 per cent. Where would he be found to-day when it is shown that under the Dingley tariff of about 100 per cent these century-old but still "infant industries" are underselling the foreign manufacturers in their own market and extorting unconscionable profits from the American people?

Hon. J. W. BABCOCK, a Representative from Wisconsin, a member of the Ways and Means Committee, which has jurisdiction of bills to revise the tariff, and chairman of the Congressional Republican committee, said, in 1901:

By the aid of the tariff, manufacturers can fix extortionate prices in the domestic market.

And he asks the question, "Shall we continue a tariff on articles that are in fact articles of export?"

The author of the present law, Mr. Dingley, is reported upon good authority to have said that he realized that many of the schedules were too high, and that they had been made so purposely to enable the Government to arrange treaties of reciprocity with foreign countries.

It has been well said that the tariff is the "shelter of the trusts," and it stands to reason, as stated by Senator Plumb of Kansas, in 1891, "I do not know of any better way to start in at least to reduce the exactions of trusts than to cut down the shelter behind which trusts are created."

Was Havemeyer, president of the great sugar trust, right when he said:

The mother of all trusts is the customs tariff bill. * * * It is the Government, through the tariff laws, which plunders the people, and the trusts, etc., are merely the machinery for doing it.

Governor Mount, of Indiana, in 1899 said:

I emphatically favor removing all tariff protection from every industry that belongs to a combination formed in restraint of trade.

Mr. A. B. Farquhar, the head of a great manufacturing plant for manufacturing agricultural implements, wrote in 1890:

The fact is that our protective laws are a monstrous swindle upon the agricultural community. As a manufacturer I was inclined to say nothing on the subject for the reason that it was rational to suppose if anybody was benefited it was the manufacturing class, to which I belong. But, as I have explained, the farmer is being destroyed. We are killing the goose for the golden egg. And I honestly believe now that it is to the interest of the manufacturers themselves to eliminate the protective feature from our tariff laws.

It has been said—

that a tariff that makes millionaires and bleeds the people * * * is a monopolistic tariff and an outrage on the American people.

Ben Butterworth, a former Representative in Congress from Ohio, said:

The manufacturers and the trusts get the protection and the profits from the tariff; the farmer gets the husks and the humbug.

The American Machinist in 1899 said:

Just why American manufacturers will sell machinery and other goods from 10 to 30 per cent cheaper in Europe than they will sell them to be used at home is rather puzzling; but anyone curious in the matter can easily enough find out that many of them do that. It may be necessary to cut prices in order to secure trade from abroad, but it is likely to strike the American purchaser as being a little rough on him.

The Engineering and Mining Journal of March 15, 1890, complained of the system, to wit:

As soon as an industry has obtained a position where it can more than supply our home market, and has to send its goods abroad, where they compete with those of foreign manufacturers, it is evident that they are either giving the foreigners the benefit of lower rates than they do our own people or that they are able to get along at home without any protection from foreign manufacturers. It is not fair that our own people should be made to pay more than foreigners for the products of our own land.

Hon. J. M. Rusk, once a member of Congress and later Secretary of Agriculture, in 1890, said:

* * * This same combination (National Harvester Trust) is now selling, or offering to sell, machinery in Russia, and Australia, and other wheat-growing countries at a lower figure than they do in this country. * * * The first thing the farmer will do when he is acquainted with the facts will be to make a howl against trusts and protection that does not protect.

Hon. William E. Chandler, a Republican and Senator from New Hampshire, said, in 1899:

* * * We have combinations covering everything, from sugar and lead to brooms and soap and coffins. The only fortunes are those that are made by the multimillionaires who control trusts.

And two days later he said:

* * * These enormous combinations of capital control the politics of the country, nominate the candidates, then furnish the means to carry the elections, and later direct all legislation, State and national, and dominate the use of all executive power.

"Carry the elections, dictate legislation, State and national, and dominate the use of all executive power." A dire indictment of the great power of the trusts, and if true fraught with fearful consequences to the American people. It does seem, indeed, that the trusts and great combinations "carry the elections," and from the difficulty of securing legislation for their control that they "dictate legislation."

How long is this condition to continue? Webster said that the freest of governments would not long be acceptable if the tendency of the laws be to create a rapid accumulation of property in a few hands, rendering the majority of the population dependent. Is a revolution necessary to secure a return to a "government of the people, for the people, and by the people?" I can not believe it. I have an abiding faith in the honesty, integrity, patriotism, and courage of the American people. It is true they are long suffering and slow to move. There is no central organization and control among the farmers as with trusts and combinations; but when once thoroughly aroused to a deep sense of injustice and wrong not all of the machinery and organization of political interests can stem the avalanche brought on by popular indignation. The watchword will then be, "Let no man be put in office who is in sympathy with trusts and trust makers." They can be identified.

It is manifest that, notwithstanding all the professions of the Republicans and the anteelection promises of the candidates of that political party, no tariff revision, looking to the control of trusts and consequent protection of the people, is to be had at this session or, as many believe, at the next session of Congress. No longer, then, can the people listen to the discredited cry of the protectionist that "the tariff should be revised by its friends." This is what ex-President Cleveland calls a "hoary-headed, bloated, and malodorous old fraud and pretense." Who are the friends of the sugar trust but the people who are stockholders and dividend receivers? Who of the steel trust? Not the farmers, who pay about 100 per cent more for their wire and nails than they would have to pay but for this 100 per cent tariff. Oh, no! The friends of the steel trust must reform that particular tariff schedule! And so on throughout the whole list. Suppose the people continue to trust these "friends" to reform these tariff schedules. If changed at all, it would likely be after the example of the Jewish king, who replied to his people complaining of the great burdens imposed upon them by his father, "My little finger shall be thicker than my father's loins."

Why did the President, let me ask, in his annual message upon the reassembling of Congress in December, recommend that the tariff of 67 cents per ton on coal be entirely removed and coal placed on the free list, and why has it been done, unless for the reason that the tariff protects the coal combine to that extent and that it is a charge upon the consumer? This tariff is probably about 20 per cent ad valorem. A tariff of 100 per cent doubles the price at which the foreign article can be sold here. A combine here enables the seller to double the price to the consumer, and this in many instances is done. Is it any wonder that these protected interests grow richer year by year until it is sometimes said that all of the great fortunes are made in this way? It seems, indeed, to be the fast express to fortune and to favor.

The other classes in any other country in the world would grow poorer; but America is a country of such wonderful resources and possibilities, and the earth is so generous, that it can thrive under conditions which would impoverish any other country. The question should be, Do present conditions give to all classes of the people their share of opportunity for prosperity and wealth? Do favored classes enjoy exceptional advantages as the result of legislation, and have these favored classes taken advantage of such legislation to impose unjust burdens upon other classes?

It is the privilege of an intelligent people to correct these conditions. They can do so. Let us remember that in a short twelve months another canvass will have opened, and that the election of a President and House of Representatives committed to tariff reform will control the trusts and furnish, as I believe, a solution of the trust problem.

The great combinations, however, will not surrender without a contest; but let the people be on their guard, and let them vote for no political party or man who accepts contributions to the campaign from protected interests. "The borrower is servant unto the lender," and the beneficiary of a gift from an interested source is under obligations. Eternal vigilance is the price of more things than liberty. If the people will exercise this vigilance redress against existing conditions will be secured, and the tariff be adjusted for purposes of revenue, limited to the needs of

the Government, and with a view to crushing out unlawful combinations, by whatever names they may be designated.

I would not cripple worthy enterprises, honestly conducted and properly safeguarded, but the laws of this country should not be a shelter for monopoly, greed, and extortion. Nor would I have the laws so written that a favored class should reap its millions by improper burdens upon the people. France tried that, and when the people complained they were told they could eat grass. The result was revolution. With the ballot let us reverse the present policy of the Government and insist on trust control and a tariff for revenue. Upon such a platform all opponents of favoritism, paternalism, and unjust burdens can and should unite.

Indian Appropriation Bill.

SPEECH
OF
HON. MARCUS A. SMITH,
OF ARIZONA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 28, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department for the fiscal year ending June 30, 1904, and for other purposes—

Mr. SMITH of Arizona said:

Mr. CHAIRMAN: I move to amend by striking out the last word. I wish to say to the chairman of the Indian Committee that I was unavoidably detained from the House at the time of the general debate. I should like unanimous consent now to submit a few remarks on a matter not exactly germane to this bill. I shall consume very little time.

Mr. SHERMAN. So far as I am concerned, I shall not object to the gentleman having a greater time than five minutes to discuss the bill or any portion of it; but I question whether it is wise to open up this bill now to general debate in the sense in which we understand that term.

Mr. SMITH of Arizona. Mr. Chairman, if I could have been here at the time of general debate upon this bill I would have been, and I will state very plainly that my object in taking the floor here at this time, having no other convenient season to do it, is to answer some charges made publicly and notoriously against the credit and financial standing of the people who are represented simply by a Delegate in the Congress of the United States, and I ask unanimous consent to address the committee for ten minutes.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to address the committee for ten minutes without being limited to the subject embraced in the bill. Is there objection?

There was no objection.

Mr. SMITH of Arizona. Mr. Chairman, I think it is generally known in this body that I have been somewhat interested in the application of the Territory of Arizona for statehood. It has been developed during debate on this question, in the public press and elsewhere, that injustice has constantly been done, misleading statements made, and false conclusions forced on the country as to the propriety of permitting the people of the Territory of Arizona to enjoy the privileges of a State. Charges have been made of Arizona being peopled with repudiationists, and these charges are based upon certain railroad bonds issued by the county of Pima. These accusations have been gravely made by men who ought to know better, who hold positions of such distinction as to have known better if they had inquired into the matter.

I say to them, wherever they may be, that not one single debt she ever owed has been repudiated or dishonored, not one dollar of interest on any obligation of hers but has been fully met. A hord of bond sharps, owning bonds they knew to be fraudulent, owning bonds that they knew there was no obligation on the part of the Territory to pay, came to the Congress of the United States and had these bonds validated after they had been declared invalid by the Supreme Court of the United States in the case of Lewis *v.* The County of Pima, 155 United States Supreme Court Reports.

The history of that was simply this: The Territorial legislature, acting beyond its power, provided that the county of Pima should issue bonds to aid in the construction of a railroad from the city of Tucson to the city of Globe. The legislature had no power to do it. The county had no power to issue the bonds. The county never recognized the bonds. The county claimed it never delivered the bonds. Yet a man named Lewis, who held them, brought suit against the county for their enforcement. It developed in that suit that the railroad had never been built, but that 10 miles of a narrow gauge had been laid through the mesquite bushes, in order to have the county issue $50,000 worth of bonds and turn them over in return for the worthless railroad bonds. How they ever got hold of the balance of the bonds nobody knows.

The county refused to pay them. Suit was brought. That suit went to the Supreme Court of the United States, and that court decided that the bonds were a fraud and void ab initio. Then the bondholders came to Congress—the gentlemen who are here now in this city, or were yesterday—came before the two branches of Congress and had a bill passed which Arizona knew nothing about, and a bill which I myself had time and time again defeated in committees of this House. Congress by that unwarranted act imposed that burden on the people of Arizona. The Supreme Court held that the act of Congress had validated the bonds which the Supreme Court had theretofore declared absolutely invalid. And out of this whole matter neither the county of Pima nor the people of Arizona ever received an inch of railroad nor a dollar of money.

Notwithstanding there has been saddled on it nearly $400,000 by the act of Congress, yet members of the Congress are found with impudence sufficient to charge us with repudiation when we appeal to the courts against outrage and infamous robbery. Furthermore, the same "gentlemen" who were pressing the payment of the bonds, and through whose influence the enabling act was passed, reached the ears of distinguished gentlemen in power very easily, and we find their woes echoed yesterday.

They can catch the ear of certain statesmen with a plea for payment of a fraudulent bond, and have caught public attention through clamor for the money which was never owed them. This same gentleman who is here asking by his own published interview that the President interpose his objection to statehood unless we give further guarantees on the part of the State, he has been heard in many quarters, yet 175,000 people who are asking to be liberated from this condition are shown less attention at the hands of Congress. Their voice can not reach that sympathetic ear, and when we tell you to quit hitting us on the head with a hammer you tell us that we are bad boys and ought to behave ourselves better. That is the position in which Arizona is placed. A colloquy occurred in debate in another forum on yesterday. It is as follows:

Q. The money was raised on the bonds?
A. Certainly it was.
Q. There is no question as to that?
A. None whatever.
Q. And paid over in good faith?
A. Certainly.
Q. And whether it was appropriated and used for the completion of a railroad or not, the localities had the benefit of it?

Now, in that colloquy the answer to every question is absolutely not true. The people never got a dollar of it. They never got a railroad. They denounced it from the first and succeeded in defeating it through the agency of the Supreme Court of the United States, until Congress made it good. Those bonds will be issued because the Supreme Court so commands and for no other reason on the earth. Again, it is asked in a place where people ought to know better:

Q. Were they the loan commission chosen from the people of Arizona? Were they not selected by the voters?
A. Why, certainly they were.

Sirs, think of such a question and such an answer from such a source. It shows slightly the difficulties which confront us.

That answer is absolutely untrue. The commission is composed of a governor, appointed by the President at Washington, a secretary of state, appointed by the President at Washington, an auditor, appointed by the governor who was appointed by the President at Washington. These are the gentlemen that the wise legislation of Congress provides to handle the money of the people of the Territory of Arizona. I make no criticism of the present board. They are honest men, and I know they hate to put this burden on the people. They were created by the decision of the Supreme Court of the United States. I read, and the gentleman who said it probably will recognize it if he sees it. He says, among other things, that—

The history of the bonds would not be considered creditable to any community, regardless of whether they were held by Mr. Coler or anyone else, and he was pleased that the question had been brought out, because, he added, "it throws a strong if not a pleasing light upon the character of the people affected."

A pleasing light! "I thank thee for teaching me that word." And now, instead of repudiating even that, we have offered to bond according to the Supreme Court mandate. But that is not enough for the daughters of the horse leech. This same Coler was here no longer ago than yesterday, and the echo of that gentleman's voice has been heard in public since.

When the decision of the Supreme Court came down it was found that under that act of Congress these bonds had become vitalized, Congress being all powerful in Territorial legislation, and that under that act the Territory must pay them, and ordered

a new board of funding commissioners, the old board having already been repealed by the Territorial act, and made these same public appointees of the President the board to carry on this business. And when the Supreme Court sent down its mandate it said that the Territory was responsible for the debt and the interest thereon.

When that mandate comes from the supreme court of the Territory to these commissioners, it orders them by some hocus pocus not only to give the debt with its accrued interest, but to give the compound interest on every coupon, making a difference of $100,000, a pure gratuity, stuck into this mandate, as our people claim, without the consent of any court and without any reason on earth. Now, we will not pay them that $100,000 extra if we can help it; but these gentlemen are visiting Washington and seeking ears that listen and appealing to voices that are heard. That is some of this beautiful piece of repudiation of which those people are guilty.

I wish there was some way and they wish there was some way by which that fraud could be met, and I shall yet appeal to this House until I can get a hearing, and to another body, to see if that very act by which those bonds have been vitalized can not be repealed or the United States pay the money that it imposed gratuitously and without reason to be paid by people who have nothing but a mere voice in this body. [Applause.]

Tuesday, February 10, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the sundry civil appropriation bill—

Mr. SMITH of Arizona said:

Mr. CHAIRMAN: The other day I took occasion here to deny certain charges that had been made against Arizona in connection with certain railroad bonds, and I avail myself of this first opportunity to speak further on that matter and submit other observations pertinent to questions in which that Territory is now so deeply and vitally interested. I send to the Clerk's desk and ask to have read an interview which appeared recently in the Tucson Citizen with Mr. Rochester Ford. Mr. Ford is a gentleman of high character and great legal attainments, and has represented Pima County as its attorney in the fight against these bonds. It shows the case better than I could tell it.

The Clerk read as follows:

PIMA NARROW-GAUGE BOND SWINDLE.

Mr. Rochester Ford was requested to make a statement regarding the telegram in last night's Citizen to the effect that Mr. Bird S. Coler, one of the holders of the Pima County narrow-guage bonds, was asserting to the President and members of Congress that the officials of the Territory of Arizona are endeavoring to postpone indefinitely, if not actually to avoid, payment of these bonds, for which reason Mr. Coler was opposing the admission of Arizona as a State.

Mr. Ford gave the facts as follows:

"I read in the telegram that 'it is said by Mr. Coler that obstacles are being placed continually in the way of a satisfaction of the judgment of the Supreme Court by the authorities of the Territory.' Such a statement is absolutely without foundation, and no one knows this better than Mr. Coler himself and his attorneys. Under the decision of the courts neither the courts themselves nor the legislature of Arizona can prevent the funding of these bonds. The Congressional funding act of 1896 contained the command that the bonds should be funded, and the courts have held that the loan commission is operating under an act of Congress. The Arizona legislature, which created the loan commission, passed a bill to repeal it, but the Supreme Court held that this could not be done, and that the commission continued in existence.

"The funding of the bonds is thus, as above stated, in the hands of the loan commission, a Congressional body, and in no wise can the people of Arizona control its action. The commission is composed of three high-toned, honorable gentlemen, who are doing their duty in the matter. They gave a hearing to all parties, and the attorney for the bondholders appeared, urging the funding of the bonds, and presented a mandate ordering the loan commission to fund them, when it was discovered that an attempt had been made on the part of the bondholders to change the language of the decree which had been affirmed by the Supreme Court of the United States.

"The mandate presented to Governor Brodie and other members of the loan commission contained a provision for the funding of the interest on coupons, which had been interpolated after the final judgment and decree. This fact was brought to the attention of the supreme court of Arizona by a motion to strike out the additional words which had been inserted, and the motion was promptly and unanimously granted by the court. Any delay in the matter of funding the bonds is thus not due to the loan commission, but to the unblushing attempt on the part of the bondholders to change the record of the court. The following is a copy of the order of the court granting the motion:

"'Per Curiam:

"'We think the mandate in this case should conform in its terms to the judgment entered herein and reviewed by the Supreme Court of the United States.

"'The motion of the loan commission in this case does not present for our consideration the question of the proper construction to be given to the judgment in this case, nor was such question argued before us on this motion on behalf of the loan commission. The only question presented by the motion is as to the form of the mandate issued by this court. We do not think it is proper for the court at this time to go outside of the single question presented by the motion and to decide what is the legal effect of the judgment.

"'If the decision of this question is material, it will be considered if presented.

"'The motion will be granted and the mandate corrected to conform in terms to the judgment.'

"From my reading I am familiar with the history of the Tweed régime in New York City, with the municipal frauds in St. Louis, and with the doings of ex-Mayor Ames and his coconspirators in Minneapolis, and after some years of investigation I know most of the facts connected with this Narrow Gauge bond steal. It is my opinion that the boodlers never walked the streets of any of the cities named who surpassed for bald rascality the engineers of this bond fraud.

"From its inception to the latest attempt to change the record of the court, it simply swelters in corruption. The Congressional act of 1896, which makes it obligatory to fund these bonds, invalid and fraudulent as they are, was passed ostensibly in response to a memorial from the legislature of Arizona, but was restricted in its terms to bonds the validity of which had been acknowledged by the payment of interest thereon. As a matter of fact, however, and as to this I speak with definite information, the act was prepared by the holders of these Narrow Gauge bonds, to serve their private purposes, and what on its face is an act of Congress for the relief of the Territory is in reality a bill drawn and lobbied through by the holders of these bonds to compel the people of the Territory to pay an obligation which the courts had declared to be void."

Mr. SMITH of Arizona. Mr. Chairman, I can not and will not tamely submit to charges of repudiation of just debts by my constituents, for the charge is scandalously and slanderously false. This accusation against the honesty of the people of Arizona comes with doubtful grace from a man who, in a public speech just delivered before another tribunal, confesses that he was a member of the subcommittee that drafted a plank in the Republican national platform promising statehood to these Territories and then proceeds by specious and ingenious arguments to show why he is not bound, and why the lawmaking power should not be bound, and how the Republican party was not morally bound to carry out the provisions which he himself had formulated for it, and which it deliberately and most solemnly made, not to one person, not to one district, not to one State, but to the great Republican party, of which he is "a strong, if not a pleasing, light;" yea, a promise to these Territories, made before 75,000,000 of Americans and in the very presence of the civilized world.

He needed our help then as much as these bond buyers need his help now. I never could work up any respect for Jacob at the bedside of the dying Isaac. A blessing was in store for Esau. By the ingenious use of goatskin on his hands, his father being blind and his older brother "a hairy man," he deceived the patriarch, cheated his brother, and obtained the patriarchal blessing. So, in this case, the modern Jacob, wanting a blessing, sought it with the hands of Esau, but his voice is the voice of Jacob still.

He has said in effect that we failed to keep our promise to pay a debt, and are therefore unworthy of statehood. This statement is not true, but grant that it is true, we would at least have the moral and legal defense that there was no consideration. What defense has he or any other member of the Republican national convention when we demand of them that their promise be kept? They can not plead infancy, inability, ignorance, fraud, or any moral, equitable, or legal reason for failure.

I have more patience with old Jacob—for when the time came at last for the fulfillment of that promise by the very man who made it, and the only men who can keep it, we find some few of them, without just reason or excuse using every effort, regardless of all cost to their party honor or their country's good, deliberately opposing their solemn pledges and in the face of the world writing a lie across the public statement of their principles. This is just as true of any Democrat—if one can be found—as it is of the members of the subcommittee who drafted the Republican platform or any member of either convention who voted for the platform.

I protest against any lecture on the morals of Arizona, here or elsewhere, when it comes from lips confessing that a public promise to a whole people need not be kept by any person who made it or was a party to it.

I confess that the people of Arizona love money well enough to object to giving it to the people of New York, Connecticut, or even Massachusetts; but I pray God the time may never come when they shall love it so well that they will estimate it above every manly instinct and hold the voluntary payment of a fraudulent bond so high above every moral obligation and public promise that they will deny to a people who love money less a seat in their councils or a part in the free Government of our common country.

Mr. Chairman, the people for whom I speak and whose honor I am attempting to defend have no voice in the Senate of the United States and no vote here to express their will. I do not claim for them virtues above the balance of the American people, but I do acquit them of sniveling hypocrisy and canting self-praise evidencing itself by criticisms of other people's conduct and motives. They have not yet attained so exalted a peak of civilization that they are ready to condone the breach of a sacred promise and yet condemn to public infamy a community whose only offense is a protest against being plundered.

The rules of this House prohibit personal mention of the names of Senators or criticism of their speeches in the Senate. I have no intention to violate that rule, however strong my provocation; but in view of the fact that there is no one there who, by contact and long experience with the people, can speak from certain knowledge of their conditions, their surroundings, and their

pressing interests, I can not remain silent. This reflection daily offers the strongest reasons and the most unanswerable argument for statehood.

No misstatement of the real facts of any case touching the Territories can go undisputed in this branch of Congress, but in the other the case is different, and I have a right to protest, as I do protest, before the great body of the American people against this horrible injustice and this needless wrong, and before them I protest against the breach of that promise of freedom made to us through their national conventions—their only mouthpiece. No special pleader from the ranks of prejudice or political exigency can abate the public sense of the obligations of both parties to the support of the pending statehood bill or palliate the national disgrace of their violation.

Many men of great distinction have served in the national conventions of both parties. Some act seriously, from honest principle, and deal seriously with the public, and they obtain and deserve public confidence. Others, unfortunately, treat platform promises as a mere device to catch votes, and brush them heedlessly aside when further deception is unnecessary. Not long ago I was thrilled by the honest, magnetic statement of a most distinguished gentleman from Ohio when he declared, in a great speech recently made, that when the word "Lie" was written across the national platform of his party it would not be in his handwriting. I commend him and his utterance to the admiration of his country and his party.

Again, on a solemn and yet intensely excited occasion I heard a gentleman from Pennsylvania, than whom none in America stands more prominently, say, while speaking of statehood, "that there was no occasion for further investigation or further delay; that the great jury of the American people in two conventions assembled had settled the question by the verdict in favor of statehood for Arizona, New Mexico, and Oklahoma, and from that verdict, in our form of government, there is no honest appeal."

I heard the chairman of the Republican national committee say, in effect, that inasmuch as no great party issue was involved in the promise, and nobody paid attention to it in the campaign, that he was not bound nor was his party bound by it. I looked at once for another assault on Arizona for failure to pay on demand a stealing, fraudulent bond imposed on it by an act of Congress.

Further, I knew a young man once who, in his own estimation, was bigger than his party or anything else in the civilized world, whose self-imagined genius was only less luminous than the blazing sun in the heavens, who spent much time in trying to show that there was no promise of statehood contained in the Republican platform that the party or he himself was bound to respect at this time. I do not know whether he got the cue from the chairman of the Republican national committee, or the chairman got it from him; but however that may be, they both agree that the plain promise of statehood need not be kept because no issue was made of it in the last campaign.

In the name of common sense and decency, how could there be an issue on a question where both parties were agreed? What fool would talk about statehood in a campaign where both parties had solemnly promised statehood? Everybody knew the obligation of that promise, and I am proud here to record the fact that the Democratic party has done and is doing all a minority can do to keep that solemn obligation inviolate. If the Democratic party had left that plank out of its platform, the other would quickly have made an issue of it, and these apologists, these moral philosophers, would have been on the stump yelling anathemas at the Democrats who were repressing Western aspiration and shackling the limbs of the unborn States. Oh, yes, "it would have been different had it been otherwise."

Mr. Chairman, it has been charged that I gerrymandered the Territory in providing representation in the constitutional convention. I acquit the gentleman who made that charge of intentional misrepresentation of my conduct, but I must do it on a ground particularly distasteful to him, to wit, just simple, common, plain ignorance. When an alleged investigating committee lately made a record-breaking trip through Arizona, and stopped long enough in Tucson to draw a breath, a miserable, little, contemptible hypocrite by the name of L. C. Hughes had some reasons to offer against statehood, and of course gained ready entrance to the star chamber where the "investigation" was secretly being conducted.

His charge was that a gerrymander had been worked, and unfair apportionment of delegates to the constitutional convention was made in the omnibus bill. That committee was informed by several reputable gentlemen that Hughes was utterly irresponsible and unreliable, yet we find that miserable falsehood paraded as a reason why this bill should not pass. I have nothing to say about the "pioneers" who permitted themselves to be used against the interest of their country and in opposition to the unanimous wish of their neighbors. But I take this occasion to say once for all, that the charge that I took or attempted to take any part or personal advantage in providing delegates to the constitutional convention is absolutely false, and further assert that the charge has never been made by anybody in good faith or with pure purpose.

Three bills for the admission of Arizona have been passed by me through the House of Representatives. Every one of those bills were carefully scrutinized and no intimation of a gerrymander or suggestion of unfairness was ever made by anybody, either here or at home. Yet every one of those bills contained the identical constitutional convention membership that the present bill contains, and the delegates were apportioned and selected in the very same way. Whence comes this late discovery of a mare's nest? What motive underlies it all? The miserable littleness of the thing is sickening to honest men.

But this is not all. The legislature of Arizona several years ago provided for the holding of a constitutional convention, and such convention was held and the constitution framed and submitted to vote of the people and ratified by almost a unanimous vote. That Arizona legislature made exactly the same provision as to delegates to the convention that is contained in the present bill. If I had changed these established precedents I would have been likewise, and with more reason, accused of attempting to take an advantage.

Every one of the bills, including the present one, provides for a constitutional convention, identical in membership and county representation with the legislative assembly. I beg pardon of the House for consuming its time on a question of this sort, and I have spoken of it simply to show to what retreat opponents of statehood are driven when they use it, but with no intention of defending myself from the lies emanating from my own city, where my neighbors know the author and know him very well indeed.

THE INVESTIGATING COMMITTEE.

There are some other facts about that investigating committee that ought to be known, the main one being that no investigation was ever had and the people of the Territories believe none was ever intended, except in so far as to find something or anything on which to hang an argument against statehood. The report, I think, justifies their opinion. This investigating committee could have spent more time than it did in Arizona and New Mexico and passed Jules Verne's celebrated traveler on his eighty-day trip around the globe if they had all left Washington the same minute.

What an investigation that was. I saw part of it. No, I did not see any of it or hear any testimony by anybody, though I was whizzing along with it. Did you ever read that report? Not for its historic value but as a curiosity of literature I commend it to your very idle hours. I met the committee—I never could have overtaken it—at Phoenix and it remained there one day, the longest stop in all its record as far as I know, and "investigated" a police judge and some census enumerators, and had an interpreter with them scouring the town to see whether some Mexicans could not be found who could not speak English, and thus prove valuable witnesses for the purpose of the investigation.

Where the witnesses came from, who selected them, nobody in Arizona knows. Nobody knows what happened further than revealed by the report, for it was a secret star-chamber proceeding from first to last. They did call two respectable, well-known men in at Phoenix and gave them a few brief minutes to tell facts which every conclusion of this remarkable report proceeds to deny. The report, which is a public document and subject to criticism here and deserving it everywhere else, reveals this sort of evidence to sustain the deficient census report on which the whole of the antistatehood argument rests:

Q. What is your name, etc.?
A. John Jones.
Q. Were you a census enumerator?
A. Yes.
Q. Did you not take a solemn oath to return a full, fair, and truthful report of the population, etc.?
A. I did.
Q. Did you do it?
A. Yes; to the best of my ability, but——
That will do.

What a probing for the facts! What a vigorous effort to find out whether there were defects in the census! Mind you, the people had nobody to represent them, and in this you see what stuff has been piled into Congress to the injury of the people in the Territories.

Better a thousand times for that committee and for the Territories that they had never come, or had stayed long enough to find out the facts, as becomes fair-minded, just, and impartial investigators. I submit that report to a candid Congress. It is valuable only as revealing its purpose and its animus. The dissent from every conclusion of that report by one of its honored

members is significant, and entitles him to the respectful gratitude of the people of Arizona.

For the dignity of Congress and for the respect still held by the people for it and the fairness and sincerity of its action I forbear to speak of that investigation and that report in the language it deserves, but I can not forbear saying that some men from the good old States of Vermont and New Hampshire caught from Indiana's epidemic such genius as to take two weeks to tell what they thought they learned in one day and two nights in a strange land infested by native-born American citizens.

THE MORMON QUESTION AGAIN.

Mr. Chairman, prejudice is an essential quality of an ignorant and narrow mind. As the mind narrows, the prejudice broadens until it includes whole communities, but probably the most despicable manifestation of this mental infirmity is observed where the religions of men are concerned. The less such men know about a creed the more they condemn it. But a mind capable of condemning a whole community or sect is too restricted, narrow, and saturated with prejudice to be intrusted with the responsibility of administering the affairs of government or of sitting in the councils of the wise and prudent.

It is not my purpose here or now to enter into any defense of the Mormon people of Arizona. They need none. More than once I have had occasion on this floor to give my testimony in their defense against the slanders heaped upon them by those who know nothing about them. I am glad here to say again for them that this broad land furnishes no citizens anywhere who excel them in industry, frugality, and strict compliance with every contract.

They are among the pioneers of Western civilization. To them is due the credit of having conquered the desert and established in waste places thriving cities, the morality of which should be an object lesson to their traducers. I have yet to see one of their blatant traducers with whom I would exchange a Mormon boy's promise to pay me a debt for the other's note of hand. It is easy, and sometimes popular, to assail any persecuted class. There has been recently chosen a Senator of the United States from among these people. He is a man of education, ability, honesty, integrity, sobriety, and purity of life, yet we find him assailed from high places, and his people slandered by others who are in no sense his equal.

I am not claiming for the few Mormons in Arizona that they are any better citizens than other honest citizens of our country, but I say what I have said as an answer to those who are claiming that Arizona is not worthy of statehood because some Mormons live there.

The last public assault made on Arizona in respect to this shows to what length our opponents are driven, and the speaker's gratuitous and reckless statements did neither him nor his position any credit. Appealing to a prejudice, he saw fit to largely exaggerate the number of Mormons in Arizona and thus attempt to scare others equally ignorant of the question from support of the statehood bill. I say here once for all that if there were as many Mormons in Arizona as claimed by the opponents of statehood—yes, if there were five times as many as claimed—it would be no argument against our right and their right to every privilege enjoyed by other citizens of the Republic.

Mr. Chairman, our struggle for statehood has been long and arduous. We have had so many slanders to refute, so many misrepresentations to disprove, so many prejudices to overcome, that one grows weary at times and would fall by the wayside for rest were the cause less holy, liberty less prized, or tyranny less hated. The charge of ignorance and illiteracy is as groundless as the balance of the indictment. That there is 29 or even 9 per cent of illiteracy in Arizona among the citizens—excluding the Indians—is simply false. There is no ground for such a statement by anybody anywhere. The first twenty-five years of my life were spent in a community of as highly and as generally educated people as live in America to-day.

The last equal number of years has been spent in Arizona, and I know of as much illiteracy in the famous blue-grass regions of Kentucky as exists among the citizens of Arizona. There are twice as many—yes, probably four times as many—per capita in the State of Minnesota who can not read, write, or speak the English language as are to be found in Arizona, yet that State has Representatives of prominence who make this charge against my constituents. Against such a charge I place my personal experience. In a general practice of law in Arizona for over twenty years, being a part of that time a public prosecutor, I have met but one single man that had to make his mark as a signature to any document. Education is more universal in Arizona than in any Congressional district in the United States, and once for all, I deny the slanderous allegations of illiteracy, come from what source it may.

In conclusion, Mr. Chairman, I can not forbear the expression of my humiliation as I hear from lips of grave legislators arguments against the people I represent here, advanced on grounds so puerile, senseless, and unjust as to do no credit to the orator, but tends to plant a prejudice in similar natures against the good people of the West. High place carries a certain weight, regardless of the motive or force of the argument. Things said in the heat of debate and under impulse of excitement can readily be forgiven by the generous; but there is no excuse for any man to write or have written for him an assault on the virtue and honor and integrity of a people, and like a stumbling schoolboy, drool the slimy slanders over empty chairs to fix them at last in the imperishable records of Congress. Against this I enter my emphatic though unavailing protest.

Eulogy on the Late Hon. J. M. Moody, of North Carolina.

REMARKS
OF
HON. WILLIAM W. KITCHIN,
OF NORTH CAROLINA,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, February 22, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. WILLIAM W. KITCHIN said:

Mr. SPEAKER: Under the order of the House I desire to record a tribute to the memory of the departed friend whom eternity's dreaded deputy has so lately summoned from our midst. Mr. MOODY was a lawyer by profession, as are all the other North Carolina Representatives. He was an earnest, strong advocate, easily comprehending the important facts and presenting them with great clearness and power. He soon became recognized as a splendid jury lawyer. At the age of 28 he was elected solicitor, or prosecuting attorney, as the office is called in some States, of what was then the twelfth judicial district of North Carolina, and served as such for four years. There is, in my judgment, no position in the gift of the people better than a solicitorship for the development of a lawyer's mind and heart, for the growth of his love of justice and humanity, for quickening his understanding and improving his presentation of views. This opportunity was taken by our friend, and his performance of its duties was the basis of his subsequent honors.

In politics he was a staunch, uncompromising Republican and believed in the doctrines and policies of his party. In the most hotly contested campaigns known to our State in this generation, even in those in which his party suffered defeat, his rugged honesty, his never failing loyalty, his undaunted personal courage were sources of strength to his party throughout the mountain section of the State. Notwithstanding his party zeal he had the respect and friendship of political opponents in a very large degree, perhaps more so than any other person in the State of equal activity and prominence in politics.

As a member of this body he was diligent, and to every demand made upon him by his constituents he was attentive—a faithful servant of his people. Probably the most important work he did was in behalf of the Appalachian Park. He knew the country proposed to be embraced in it and understood the entire matter as few members do, and to him was intrusted the duty of preparing the report in its favor. It was near and dear to his heart, and I doubt not that one of the disappointments of his public career came to him when he found that the Appalachian Park bill would not be permitted to have consideration during this Congress. The work he did has not been lost, and we trust the day is not far distant when success will crown the efforts in behalf of that great national forest reserve which he and others began in this Congress.

Mr. MOODY and myself lived at the same hotel, and I learned to know him well. I remember distinctly the last time I saw him. It was in the lobby of our hotel the day before he went home to prematurely lay down life's burden, and was probably the first time he had been out of his room in several weeks. The fatal malady had announced its presence, and yet he was deeply interested in matters pertaining to his people. For him I had that day succeeded in having an item put in the Indian appropriation bill for the relief of some of his constituents, for

whom he had introduced a bill. He was highly gratified, and expressed great pleasure over it, as it meant so much to his constituents.

I had heard that his physician had fears for his recovery, and as I looked upon his massive frame I wondered that such fears could be serious, and hoped that his going home to his beautiful mountain country would be followed by a speedy return of his accustomed health. A few days thereafter, on February 5, a telegram brought the sad news that JAMES MONTRAVILLE MOODY was no more. It was not my fortune to accompany the funeral party from this city, the scene of his last activities, to Waynesville, where he died, but my sympathies went to that sorrowing town and to his loved ones bereaved. His wife and children have the consolation that integrity, courage, ability, and honor leave, but above all else they have the hope that he awaits them in "an house not made with hands, eternal in the heavens." Our friend had considered that all-important question: "What shall it profit a man if he gain the whole world and lose his own soul?" and had made the preparation of wisdom by accepting the doctrines of Jesus Christ and dedicating himself to His service. When the silver cord is loosed and the golden bowl is broken the belief that our loved one's spirit lives forever where there is no sin is the greatest solace good men and women can have.

When this Congress began, one scanning its membership would never have selected our friend as destined to early death. He was a man of large proportions, about 6 feet tall, and weighed perhaps 225 pounds; broad-shouldered, a giant in physical strength, he seemed in the prime of vigorous manhood. We are reminded that with each day the never-erring archer comes nearer to us, and one by one his shafts shall take our lives. The sands in the hourglass run swiftly and the old must die, but the archer reserves not his arrows for them alone. The fall of friend after friend in age and in youth, in weakness and in strength, speaks to us as of old, "Be ye also ready." Death respects not youth or strength or anything of which mankind boasts. Decay claims all things material. There is a limit for all that can be felt or seen; but to the immaterial there is no decay, no limit, no death. The spiritual lives forever free from the germs of disease, exempt from Time's corrosion. Death itself in the presence of the spiritual is powerless. "Death is swallowed up in victory. O death, where is thy sting? O grave, where is thy victory? The sting of death is sin; and the strength of sin is the law. But thanks be to God, which giveth us the victory through our Lord Jesus Christ."

The Trust Problem.

SPEECH
OF
HON. ROBERT W. MIERS,
OF INDIANA,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 5, 1903.

The House being in Committee of the Whole and having under consideration the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part—

Mr. MIERS of Indiana said:

Mr. CHAIRMAN: The industrial combinations popularly called trusts are a development of recent growth in the business world. They differ entirely from the other time-honored combinations of business men. From time immemorial men have combined in business. They have formed partnerships, companies, associations, etc. In all such cases the combination has been for mutual interest and convenience, and the result has ususally been beneficial to the public. If Smith, Jones, and Robinson found that they had not enough capital or personal strength individually to make a success in business, it was perfectly natural and commendable for them to combine forces. In that way they could succeed, and the public was also a gainer, because there would now be one successful store or factory where there would have been otherwise three unsuccessful ones. If Smith, Jones, and Robinson became so successful as to amount to a monopoly and to tempt them to impose on the public, the inevitable result was that Brown, Williams, and Thompson would form a similar partnership. Their competition would keep the original firm within the bounds of reason and decency, and so the public would be benefited by this competition. The firms would also be benefited, because the low prices caused by their competition would create increasing demand and increasing sales. Thus it became a proverb that "Competition is the life of trade," and never was there a truer saying.

All this healthy, natural, and mutually beneficial state of affairs in our society at large has now "gone glimmering." There is no more competition. Everybody in trade sells the same things at the same prices; and the reason is that the trusts have obtained complete control over the production and sale of almost every article of trade and commerce in ordinary use and demand. The trusts differ from ordinary companies, partnerships, or firms in this important and radical respect—that while ordinary companies or firms are, or used to be, formed for the purpose of competing with other and similar firms in the same line of business, the trusts are formed in order to secure a monopoly of all business in any special line by consolidating all the different companies in that line or crushing the few who perhaps will not consent to be absorbed by the trust, and thus to stifle all competition and absolutely control the prices and the output in that line of production.

This absolute control of the production and prices has been secured in nearly every line of business in this country. The people have absolutely nothing to say about what they shall pay for what they wish to buy. The various competing firms and merchants have been absorbed by the trusts or frozen out of business, and the trusts dictate how much of each kind of commodity shall be produced and placed on the market and what the prices shall be. If you do not like the price, you can go without. There is no use to run around the corner to another store, as you formerly did, to see if you can find a better price there. You can go if you want to, of course, but you will gain nothing by going. You will only find the same goods in all the stores and the same prices. Frequently the managers of the trusts get together to see how business is, and if it is thriving and the goods are in large demand they put on the screws, raise the prices, and keep raising them as long as the public will stand it. The public has no remedy, no recourse. The old remedy of competition is gone. There is no way of competing with the trusts. They control all the raw material, all the mills, all the means of transportation.

Few people have any adequate idea of the tremendous extent to which the trusts have encroached upon the business interests of this and the other nations of the world. The amount of money which they control is positively appalling—almost inconceivable—and, as I have already said, their ramifications have become so extensive that they include and absolutely govern almost all the productive industries of mankind. There are to-day in the United States more than 200—in fact, about 240—actual and genuine trusts, exercising complete or nearly complete monopoly in the same number of lines of business and having absolute control over the production, output, marketing, sales, and price in all these lines of business. These trusts are of very unequal size and importance. Some of them are comparatively small and deal in matters of comparatively small volume, but there are at least 100 that are very large and exercise control over the most important necessaries of life.

In addition to these 240 real trusts and incorporated combinations, there are fully as many more combinations of various sorts which belong in the same category and deserve as much execration. These are such combinations as are generally called "pools," "selling agencies," and all kinds of traffic agreements between railroads, insurance companies, express companies, telephone companies, and other associations having what is called a "community of interest." All pools and cliques of this sort are founded on the same principle as that of the trusts, namely, with the idea of binding together all the different interests of any particular line of business all over the country, or throughout large sections of the country, so as to shut out competition and make the people pay whatever the pool can screw on them. There are also a large number of electric lighting, electric transit, gas, and water companies, scattered all over the country, which exercise an absolute monopoly in their lines in the communities or sections which they cover. Adding together all these different forms of trust and monopolistic combinations, the total number is nearly 500.

I have a list of the trusts, properly so called, but can not recite the entire list on this occasion, as it would take altogether too much time and would prove to be too monotonous. A few of the typical trusts may be cited, however, to give an idea of the whole catalogue.

At the head and front of the list stands the gigantic United States Steel Corporation, commonly called the steel trust, which has absorbed more than 99 per cent of the capital of all the leading steel corporations of the United States, and which is capitalized at the enormous sum of $1,100,000,000, besides bonds to the amount of $300,000,000, making a total capitalization of $1,400,000,000. Have any of you any adequate idea of how much money this is? Have any of you an adequate idea of what it means to control absolutely the steel industry? It means that by banding together all the steel-producing plants in this country the managers of this gigantic trust can and do produce just as much or just as little steel as they choose; can employ just as many workmen as they choose; can keep the mills running night and day or can shut them up for weeks at a time; can pay whatever wages they choose; can put whatever articles they choose on the market and can charge whatever prices they please for them.

The people are compelled to have steel, and they must get it from the trust and pay the trust whatever it demands. If the trust finds that it has produced more goods than it can sell to this country at high prices, it can send the goods to Europe and sell them to European dealers at low prices, thus producing a scarcity here and enabling the trust to keep up the high prices in our home market. Not only can the trust do this, but it has done it and is doing it all the time. By such means as these the steel trust is enabled to pay large dividends to its stockholders and bondholders and princely salaries to its millionaire managers. Its most recent dividends have been 5 per cent on its bonds, 4 per cent on its common stock, and 7 per cent on its preferred stock, amounting in all to about $70,000,000 in dividends alone annually.

I have dwelt at length on this in order to show how these trusts operate. They all work the same way. The great Standard Oil trust, capitalized at $100,000,000, controls the oil market of this country just as the steel trust controls the steel market, and its monopoly has become so perfect that ever since 1900 its dividends have been at the rate of 48 per cent annually; in other words, the Standard Oil magnates are making a clear gain of $48,000,000 every year on an investment of $100,000,000. That is because they have an absolute monopoly of the oil production and business of the United States. If there were competing oil companies, do you suppose those oil kings would make 48 per cent on their investment?

Then there is the American Car and Foundry Company, with a practical monopoly of car manufacture, capitalized at $60,000,000, and paying 7 per cent on its preferred stock; the American Locomotive Company, a $50,000,000 monopoly, also paying 7 per cent; the American Telephone and Telegraph Company, combining over 50 big telephone plants, and capitalized at $130,000,000, paying 9 per cent dividends; the Consolidated Tobacco Company, controlling practically all the tobacco business of the country; the salt trust, which will eventually control the salt industry not only of this country but of the world; and, not to weary you with so many different names, many other trusts absolutely or almost absolutely controlling all manner of goods, products, and commodities—fish, oysters, copper, chemicals, fertilizers, sugar, bicycles, harvesting machines, brass wire, ironware, tinware, lead ware, steel ware, wood ware, cement, linseed oil, canned goods, meat products, coal, ice, leather, felt, paper, thread, glass, woolen goods, matches, electric goods of all kinds, rubber, pottery, machinery of all kinds, kodaks, caramels, chewing gum, baby carriages, coffins—literally everything we eat, drink, wear, or use from the cradle to the grave.

The total capitalization of these 240 trusts reaches a figure which is beyond the power of an ordinary mind to grasp. According to the most careful calculations the sum considerably exceeds $6,000,000,000—to be precise, $6,771,844,150.

If to this we add the capital of the various pools, local electric monopolies, etc., to which I have just referred, we get the astounding total of not less than $10,000,000,000. This almost incredible amount, be it remembered (an amount nearly five times as great as the whole cost of the civil war to the Northern States), is not being used for the benefit or the development of the community at large. If it were, there would be no objection to it. On the contrary, it is being locked up away from the people and devoted exclusively to the development and advantage of about 500 different private enterprises, whose sole end and aim is to obtain a monopoly of all productive and business activity for themselves and against the interest of the people. All this $10,000,000,000 is in the hands of a few thousand men, who are using this immense wealth simply to reduce the public to a condition of commercial slavery and to increase their own already inordinate riches by the process of picking the pockets of the common people.

Some may say that this is an overstatement. Some may say, "It is true, no doubt, that the trusts are tremendously capitalized, that they are managed by a comparatively few people, and that they control the markets, but that in itself does not prove that they injure the people." No; it does not. But the course which prices have taken since the formation of the trusts does prove it.

Before I go into this subject, and before leaving the subject of capitalization, I must by no means forget to remind you that a large part—probably two-thirds—of the capital of the trusts is "water." In almost all of the large trusts practically all of the common stock is "water," and so is a good part of the preferred stock. For example, in the baking-powder trust, capitalized at $20,000,000—$10,000,000 "common" and $10,000,000 "preferred"—it has been ascertained that fully 95 per cent of the stock is "watered," if the cost of the tangible assets only be considered. In the steel trust the bonds alone—$300,000,000—are nearly equal to the original cost of all the constituent properties comprised in the trust; so that practically all the immense amount of common and preferred stock of that overgrown trust—$1,100,000,000—is nothing but "water."

Now, these watered trusts are, in fact, paying their rich dividends on watered stock. The Royal Baking Powder Company, for example, paid 6 per cent, or $600,000, in dividends last year on a stock which, as I have just said, is 95 per cent "water." The steel trust's dividend of about $50,000,000 on common and preferred stock is also practically on "water." In other words, these trusts have "roped in" nearly all the industrial and productive enterprises of the country and have established themselves on a fictitious and inflated basis of capitalization, and are charging the people unnecessarily high prices for all their products, in order that they may take money out of the pockets of every hard-working poor man and woman in this country, so as to pay themselves immense dividends on stock which represents no value whatever, and which cost them nothing, and thus enable themselves to lead lives of idleness, luxury, and self-indulgence at the expense of the general public, and make the working men and women of the United States pay the bills of these selfish millionaires for their champagne, automobiles, country clubs, steam yachts, race horses, diamond tiaras, and coronation knee breeches.

Examination of the list shows that the rate of dividends declared by these trusts is in most cases far above the legal rate of interest on money, far above what an ordinary individual can get by loaning or investing his funds, far above the rate of interest which the laboring people of the country, the wage-earners, can receive for their hard-earned gains. The people of the country must not forget this fact. The savings banks contain deposits and accumulations, mainly of small sums, put there by the working people, their modest little savings, gathered together by the exercise of strict economy and self-denial as the result of infinite toil from morning until night, day by day, week in and week out, for years and years. What do they get for their humble, hard-earned savings? Three and one-half per cent generally, sometimes 4 per cent. And every dollar of their little hoard represents hard, honest labor and the strictest frugality. How is it with these favorites of fortune who are in the trusts? The millions and hundreds of millions of dollars from which they draw their princely dividends represents no labor or toil of theirs. In the first place, much of this immense capital, as I have shown, is only money on paper—"watered stock"—while the rest of it—the real money—has been accumulated mainly by the favoritism, the unjust advantages, lavished upon the beneficiaries of the Republican high protective tariff. In other words, all this money, or most of it, which comprises the working power of these trusts, has been wrung out of the mass of the American people, the hard-working, industrial class, the bone and sinew of the Republic.

Look at a few more of these dividends: Seven per cent to the salt trust; 8 per cent to the Amalgamated Copper Company; 8 per cent and 10 per cent to the Magnus Metal Company; 8 per cent for the Pullman Company; 8 per cent for the Pillsbury-Washburn flour trust; 9 per cent for the sugar trust; 18 per cent for the Susquehanna Iron and Steel Company; 33 per cent for the cement trust, etc. Look, too, at some of the amounts: Between $11,000,000 and $12,000,000 last year for the sugar trust; more than $5,000,000 for the biscuit trust; $5,000,000 for the copper trust; $5,000,000 for the Pullman Palace Car Company; $4,000,000 for the leather trust; $1,500,000 for the paper trust; another $1,500,000 for the match trust; $2,500,000 for the rubber trust, and so on.

Nor do these dividends by any means represent the actual or total profits of these trusts. Nobody knows what the real profits are except the active managers. These managers declare whatever dividends they choose to, but they also set aside large sums out of the profits constantly to such directions as sinking funds or surplus accounts, betterments, enlargements, increasing salaries, creating sinecures for members of their families, etc., adopting these and divers other recourses to conceal their actual profits from the public.

A good deal of difference, is there not, between the lot in life of a trust magnate and an ordinary American wage-earner. They who work in a factory, or on a farm, or in a store, or on a railroad as hard as they can work all the year round for perhaps $1,000 a year at the outside, and able, perhaps, to lay by $100 a year in the savings bank, can go to the bank at the end of the year and draw out the extraordinary sum of $3 or $4, which is paid as a reward for letting the bank have the $100 for a whole year, which money the bank has been loaning to these very trusts for the purpose of oppressing the wage-earner, while pocketing greatly enhanced profits from these industrial combinations. This $3 or $4 is his dividend for the year, and it is not sufficient to warrant him to take a single day off from toil. What is the dividend of the trust magnate? Thousands of dollars every few days or weeks without lifting his hand to do a stroke of work from one year's end to the other, and enabling him and his family to live in luxury and do nothing whatever but drive and sail and dance

and eat, drink, and be merry, without the shadow of a care for the morrow.

Understand, I make no complaint against wealth honestly acquired. I do not believe that the hardest working, poorest man in this country has any grudge against the rich man so long as he has won his wealth by honest toil, and so long as he uses it for the benefit of others as well as his own, as every rich man ought to do. But I do complain of these trusts and trust magnates, because they have not won their wealth by honest toil but by governmental favoritism, and because their gains have been extorted by unfair means from the common people of this country.

Returning now to the subject of prices, I will endeavor to show by a few practical illustrations how the trusts control prices, and how they have naturally used their power to advance prices during the past few years. In the first place it must be noticed that it is not absolutely necessary to get control of a line of business in order to control the market. Comparatively few trusts have complete control, like the oil trust and steel trust. If the trust can secure control of over 90 per cent of the output of any product it has at its mercy its small rivals who handle the other 10 per cent. The trust can put its prices down and compel its rivals to do likewise, or it can put its prices up and defy competition for a long time, because the small rivals—even if they give lower prices—can not begin to supply the demand. Then, when the small competitors begin to get orders and do a good business at lower prices, the trust can put its prices way down again and break the small operators. Another favorite way of the trusts is to make one set of prices for one region and another set of prices for another region. Where there are small competitors the trusts can put prices way down for a while and drive the competitors into bankruptcy, and at the same time it can be charging a good stiff high price in other localities where there are no competitors. By these and other means the trusts, if they control nine-tenths of a business, can soon dispose of the remaining tenth at their own sweet will.

It was urged in the early days of the trusts, in their defense, that they were only the logical extension of the principle of partnership—only a larger kind of company or business firm—and that their effect would be beneficial to the public because they would be enabled to prevent overproduction and underproduction and to regulate the output according to the needs of the community, and also practice greater economy in the administration of the business, eliminating superfluous officers, etc., all of which, it was said, would result in diminishing prices of the products and in furnishing more abundant employment at increased wages. I have shown that the former claim is false and will now show how false the latter claim is. As a matter of fact I hardly need do so, for everyone knows that prices are high and wages low, or at least not at all high in comparison with the high prices which the trusts have put on all the necessaries of life.

So far as the question of wages is concerned, the figures of the new United States census, just issued, make short work of it. Nobody will seriously dispute the census, I fancy, especially considering the fact that it has been compiled under Republican officials, who naturally desire to make as good a showing as possible for their party. But the figures of the new census in regard to manufacturing show that the average wages of the laborers in all the manufacturing industries of the country are 6 per cent less now than they were ten years ago. This is the average for all of the States and all of the industries, but in many industries and in many localities the decrease has been much greater than this, amounting in some cases to over 30 per cent. The decline, moreover, has been most marked during the last four or five years; that is to say, since the enactment of the present Dingley high tariff, and during the present and preceding Republican administrations, when the trusts have been multiplying in number and increasing in power as never before. So you see that the trusts have not put wages up, but down. They said they would regulate labor, and so they have; they have told labor when to work and when to stop work; they have told labor what its wages would be and that it might accept or refuse them.

How about prices? What do you think about that? How about the price of meat, for instance? Has the Chicago meat trust diminished the price of a beefsteak lately? Has it put down the price of hams? Everybody knows that the prices of all kinds of meats have gone up within the last year and that we are paying more for meat now than we ever did before in the history of the country, not excepting the period of the civil war. And why? Oh, they say, because cattle and hogs are scarce. What makes them scarce? Have they all starved to death on account of a lack of food, or has there been an epidemic of disease among them? No. They are scarce because the trust which owns or controls all the live stock on the plains wishes them to be scarce and will not permit them to be sent to the market and slaughtered. Why does the trust wish them to be scarce? So that there shall be a scarcity of meat in the butcher shops and so that the trust people can make the public pay fancy prices for meat, and thus put some additional millions into their pockets. That is all there is about it.

But, they say, the Administration is making preparations to prosecute them and bring them to grief. Is it? It is pretending to do so, but at the rate it is proceeding it will evidently be three or four years before any definite results are reached in the prosecution, and by that time the trust will have made hundreds of millions of dollars and can then well afford to back down of its own accord.

Now, take another one of the prime necessaries of life, coal. Coal is fully 25 per cent higher than it was a year ago in most localities. This is due to the arbitrary action of the anthracite coal trust, which absolutely controls the output and price of that article. To be sure, there has been a coal strike, but that has not been the cause of the advance in price. The price went up long before the strike was heard or thought of. The trust has been raising the price again and again ever since last summer. In order to do so it has artificially restricted the production of coal so as to make it appear scarce. But in reality there is no scarcity of coal; there is plenty in the ground, but the managers of the trust have it in their power to say how much coal shall be mined and placed upon the market. They know that the people must have coal to cook their food and to keep themselves from freezing in the winter; and so the managers decided last year, as soon as the trust was well established, to artificially restrict the output and to send prices way up, and thus to skin the public and grind the faces of the poor.

What further need be said about prices? Everything has gone up in price during the last few years, with a very few exceptions. Sugar, they say, is cheap. So it is; but not as cheap as it ought to be. At least 1 cent in the pound goes directly into the pocket of the sugar trust as a clean profit on refined sugar, that being the amount of its protection by the tariff. But all the other articles of food in common use are much higher than they were a year or two ago. Flour is higher, vegetables are higher, fruits are higher, clothing is higher—woolen goods, cotton goods, straw goods, rubber goods, and leather goods. The figures as quoted in the markets prove that clothing prices have gone up on an average of 10 to 15 per cent during the last few years. The most desirable kinds of lumber have advanced 20 or 25 per cent within a year. Writing paper and newspaper stock have advanced 25 per cent or more. All kinds of metal ware have advanced 25 or 50 per cent or more. Tin plate has doubled in price; so has window glass. Borax costs three times what it formerly did. A careful and impartial compilation made last January by Dunn's Review, which is universally conceded to be the best authority on this subject, and which quoted the market prices for no less than 350 different kinds of articles, showed that, taking the average of the prices all through, and with due allowance for the relative importance of the different articles, the cost of living in the last year was 40 per cent greater than in 1897, the year when the Dingley tariff was enacted and when the trusts were fully confirmed in their control of the business of the country.

Now, I think it may be safely stated as a fact that the people of this country have become fully aroused to the great dangers and perils menacing their welfare through the trusts and that there is a general desire to be rid of the trusts. How can this be done? A great many measures have been framed and presented in Congress for curbing and regulating the trusts and making them obey the laws. But the measures that have been passed have proved inefficient. The trusts care little about laws and rules and regulations or courts, juries, and judges. They care nothing even about public opinion. They have money enough to defy the laws, the courts, and public opinion. So long as they are enabled to control the markets, so long will they continue to do so. There is one way in which to deprive them of the control of the markets, and that is to cut off the tariff which keeps foreign competing goods out of our markets except at prices equal to our own artificially high prices.

In order to make this subject still clearer, I have prepared a list of a few specimen articles of common consumption and use, with their present prices in the New York market as compared with their prices in the summer of 1897, when the Dingley tariff was enacted, and also containing the present tariff rates on all these articles.

Oak leather, five years ago 30 cents per pound, now 38 cents per pound, with a tariff of 20 to 30 per cent ad valorem.

Bessemer pig iron, five years ago $10 per ton, now $21.75 per ton, with a tariff of $4 per ton.

Steel rails, five years ago $18 per ton, now $28 per ton, with a tariff amounting to about $8 per ton.

Petroleum, five years ago 6½ cents a gallon, now 8½ cents a gallon, with a tariff of 40 per cent ad valorem.

Granulated sugar, five years ago 4 cents per pound, now 4½ cents per pound, with a tariff of nearly 2 cents per pound.

Beef, five years ago $10 per barrel, now $16.50 per barrel, with a tariff of 2 cents per pound.

Mess pork, five years ago $9 per barrel, now $18 per barrel, with a tariff of 2 cents per pound.

Also the following wholesale prices:

Wooden pails, five years ago 90 cents per dozen, now $1.05 per dozen, with a tariff of about 25 per cent ad valorem.

Maple chairs, five years ago $5 per dozen, now $6.25 per dozen, with the same tariff.

Doors, five years ago 80 cents, now $1.25, with same tariff.

Common pine boards, five years ago $12 per thousand, now $17 per thousand, with same tariff.

Cement, five years ago 70 cents per barrel, now 80 cents per barrel, with tariff of about 20 per cent ad valorem.

Manila rope, five years ago 5½ cents per pound, now 10 cents per pound, with a tariff of 2 cents per pound.

All of these articles, and the list might be indefinitely extended, we find to be under the control of some trust. Leather is under the leather trust; pig iron and steel rails are under the steel trust; petroleum is under the Standard Oil trust; sugar is under the sugar trust; beef and pork under the meat trust; pails, chairs, doors, and pine boards are under the lumber and furniture trusts; cement is under the cement trust, and rope under the rope trust. All of these articles, and hundreds of others which I have not taken time to enumerate, have been advanced in price by the trusts during the past five years from 15 per cent to 100 per cent. You have not failed to notice, also, that all of these articles are heavily protected by the present tariff.

It is this protection by the tariff which enables the trusts to charge their exorbitant prices and enables the trusts to continue to live. If the tariff on trust-made articles were removed, down would tumble the prices and down would tumble the trusts. Leather, iron, steel, oils, sugar, meat, wood, rope, all these necessaries of life for which the trusts are compelling us to pay 50 and 100 per cent more than we ought to pay could then be bought at the prices which rule in the markets of the world. Then the consumers would be able to get what they need at a fair and proper price, and would not be compelled, as they are now, to pay an additional price simply to still further enrich a few millionaires. That is not too strongly stated. The Republican high protective-tariff scheme pretends to protect American industry, while it really enslaves and impoverishes the industrial workers themselves.

The Republican leaders become very much agitated at such suggestions as these, and say, "If you do away with the tariff on these articles, the mills will all stop, there will be no production, there will be no work, and the country will go to ruin." That this familiar plea is wholly false can be proven in a dozen ways by referring to our past history and experience. But perhaps the best way is furnished by the action of the trusts themselves in regard to the sale of their goods in foreign markets. The trusts produce constantly very large quantities of all kinds of goods, and very often more than are needed by the American consumers. What do they do then? Having produced a supply greater than the home demands, do they throw goods on the home market, and thus enable the purchasers to reap the benefit of an oversupply in lower prices, as it used to happen in the old days in such cases? Not at all. They continue to restrict the supply in the home market, so as to keep up the high prices here, while they send the surplus supply abroad and sell it in foreign markets at the low prices which prevail in these markets, or at even lower prices than prevail there. They would not do this if they could not make some profit out of it. If it did not pay them to send their goods abroad and sell them there at low prices, they would store their goods.

Why would they go to the expense of sending them by freight thousands of miles across the ocean? That the trusts are doing so, and selling their goods in foreign markets at foreign prices while they continue to charge our own people exorbitant prices, is well known. It has been proven repeatedly by the testimony of trust magnates during their examination by Congressional committees, and it has been proven by the printed figures of the export-trade journals and trade lists. Thus it is found that the steel trust is selling steel rails in England at $21 per ton while charging our own people $28 per ton. Our agricultural machines are sold in South America and Mexico for three-quarters of the price that we have to pay for them. Cultivators that are sold to our people for $11 are sold abroad at $8. Our plows that bring here $14 can be bought in Mexico for $12.50. One of our American-made kettles that we pay $1.50 for can be bought in Brazil for 85 cents. Our wringers that are sold here for, say, $40 a dozen sell abroad for $36 per dozen. Sewing machines of the best American make, which cost at home $25 or $30, are shipped and sold abroad for $20. One of our $100 typewriters can be bought abroad at $60. And so on. There is literally no end to the subject, but I must not weary you by dwelling upon it too long.

I have endeavored to confine myself to a logical presentation of what I considered to be beyond all question the most important subject before the American people to-day. It is a question not of men but of principles. It is an issue not of sentiment but of self-preservation. At no time in its history, not in its infancy during the Revolutionary war, not in the throes of the civil war, not in the crisis of the disputed election of 1876, not in any of the financial crises of the past century, has the country been in such danger as it is now. It is in danger of being permanently and irrevocably transformed from a Republic into an oligarchy and plutocracy. I have shown that this is no fanciful danger. The danger is real and imminent. If the trusts are allowed to take deep root, to intrench themselves strongly on the ramparts of protection, they can not be dislodged without some bloody and violent struggle, such as has at times disfigured the annals of Europe. We want no counterpart of the French Revolution in this country. We desire that our reforms and revolutions shall be effected by peaceful and lawful means.

Will we control the trusts? Some say they can not be controlled, but they can. We can raise an army and equip a navy that can cope with the armies and navies of the nations of the world. Ours is the ideal government "of the people, for the people, and by the people," and can control the trusts or any other element that is subject to the people. What party is responsible for controlling the trusts? I assert, without hesitation, that it is the party in power—the Republican party. It has full charge of all branches of the Government—a Republican President, Senate, and House. The committees of the Senate and House are all under Republican control. The Democratic members of the House have introduced more than a dozen bills in the present Congress looking to the control of trusts, all of which have been referred to committees, and no one of which has ever been reported to the House, but lies in some dark pigeonhole of the committee room. There is no way by which the minority can get any of them considered by the House. You have power to smother our bills and to report a rule, which you have done, that prohibits us even the poor privilege of offering in the House an amendment to your bill or to present a motion to recommit with instructions.

How can you say, in the light of the facts, that you are not responsible to the country when you shut off debate and compel us to vote on your bills without the right of amendment or motion? In order to better emphasize your responsibility we vote for your bill just as you present it, although it is not as strong as we want nor what we think the people desire and have a right to expect, in view of the necessities of the country and your platform and campaign pledges. The Republican party as managed and controlled to-day does not intend to materially interfere with the trusts. Trusts have been fostered and built up by legislation enacted by the Republican party. The trusts in turn control Republican nominations and assist the Republican party in times of campaigns. No one knows better than you gentlemen on the other side of this Chamber that it takes more than publicity to affect these great combinations. Publicity is all right as far as it goes.

If you mean to control trusts, why do you not provide for putting all trust-made articles on the free list? Why not prohibit "watered" stock? Why not try an income tax, and the greater the income the larger the tax? Why not make the individual members personally liable for a violation of the laws enacted by Congress? Why not require the stock to be paid in full? Why not stop their business altogether if they violate laws enacted by Congress? Why not prohibit the use of the mail for violation of the laws enacted by Congress? Why not prohibit corporations that violate the laws enacted by Congress the right to engage in foreign commerce and among the several States? Why not show them that Congress is in earnest and means to enact such laws as will compel them to subserve the best interest of the whole country? Do this, and let them know that they must obey the laws as implicitly as the humblest citizen of the Republic, and they will not persist very long. Execute the laws enacted by Congress. We voted $50,000 for the purpose of enforcing these laws against the trusts. You have under your control all the court machinery, including the United States Attorney-General. You have the full power, and the responsibility is with you. Trusts can not be controlled in any such half-hearted way as this bill provides. It can only be done by persistent and firm action by Congress and on the part of State officials. We have corporations more powerful than many of the single States, and they are using this power to control the domestic commerce of the United States. To deal with these great powers is the most important question that has or will come up for legislation. No statistics can measure it, no human intelligence can comprehend it. This subject is as comprehensive as the Republic itself. We who are on the scene of action have a very grave responsibility which we must meet, realizing that we

are responsible to the whole country and not to one party alone. [Applause.]

I must speak of one other monopoly that is about to be imposed upon the country by Republican legislation—the enactment of the Fowler currency bill. That bill proposes to use the credit of the nation as a basis for private banking, in such a way as to bestow a monopoly of unbounded resources upon a favored class who have already grown rich by manipulating the currency. The theory of the bill is that "Credit is to money what money is to articles of merchandise." It makes merchandise of money by incorporating a creditor class and by enlarging the resources of that class to the extent of the credit of the United States itself. The guaranty fund proposed is to consist of deposits by the banks, in the Treasury of the United States, "of United States bonds, or gold coin, or both, equal to 5 per cent of the amount of the notes so taken out," thus giving away to these banks as credit to be used by them in their banking operations 95 cents in the dollar of circulation, so that nineteen-twentieths of the capital of these banks will be public credit and one-twentieth private capital.

In this way, we are told, the circulation will be increased by $140,000,000. If this should happen it would be a clear gift of $133,000,000 to the banks. There is no limit fixed for winding up the affairs of these favored banks. The loan of the Government's credit is to constitute a perpetual fund in the hands of the banks and a virtual gift of $133,000,000 to the banks. It is the equivalent to a deposit of so many dollars in gold in these banks never to be withdrawn. The majority of the Committee on Banking and Currency have discovered an appalling situation. The report says:

> When we recall the fact that the United States Treasury is bound, from the unfortunate situation in which we have placed ourselves, to furnish gold to all the world free, as it were, because we can not interpose a protest without repudiation, as it might do in the form of an increased rate of interest were it a money lender, every thoughtful man who has grasped the situation must realize that it is indeed appalling and at no distant day will bring its overwhelming disaster.

As a "calamity howl" this surely is not inferior in anguish and intensity to any heretofore credited to the most earnest silverite. Silver has gone out of date and now gold must also go. Credit is now the great thing. "Credit," they say, "is the vital air of the system of modern commerce. Credit has done more a thousand times to enrich nations than all the mines of the world."

Having already monopolized the products of these mines, these bankers are now after a monopoly of this all-powerful credit. They want the Government to allow them to issue notes, without furnishing security, based on the credit of the Government, which notes the people are to be compelled to accept at par. They, in effect, ask the Government to become their partner, and the only responsible partner, furnishing all the credit, and thus establish a gigantic money trust which shall concentrate in the hands of the national banks all power over the currency and the borrowing and lending operations of the country. This great credit monopoly would be a grand thing for the banks, undoubtedly, but where would the common people come in? Wherein would they be benefited? How would it give them any more money or make it any easier for them to obtain money in times of urgency?

Again, the majority report says:

> Gold, being the standard of value, may, under given conditions and proper financial influences, adjust itself to the demands of trade if the quantity in use varies but little during the year, as in Great Britain. But gold is too expensive.

Already tiring of the mistress so ardently championed by the advocates of "sound money."

Again:

> Our invariable currency panic every fall has long since convinced every candid observer that there is something radically wrong with our practice or scheme, which can not be dignified by calling it a system. The time has come when everyone realizes that the United States Government bonds will no longer furnish a sufficient basis for an adequate supply of currency.

And, strange to say, there is danger ahead.

It appears from the committee's majority report that Secretary Sherman and the other great financiers and bankers who have shaped the currency policy of this Government since 1863 have proven false guides and led us into an ambuscade, where "overwhelming disaster" is imminent. Why should we grant any more favors to this class of financiers who, according to their own confession, have led us to the very brink of ruin? What would Andrew Jackson have done in such a case? In his time it was declared to be a fixed principle of our political institutions to guard against unnecessary accumulations of power over persons or property in any hands, and that no hands were less worthy to be trusted than those of moneyed corporations. The Republican party, following John Sherman, took the opposite view, and by so doing has at length brought the country to what its leaders now characterize as the present "appalling situation."

To extricate ourselves from the frying pan we are invited to jump into the fire. For one, I am opposed to doing so, and believe that I voice the sentiment of nine-tenths of the wage-workers of this country when I say there should be no perpetuity of monopolies.

The banks will get the money more cheaply, but of course they will not reduce the rates of interest and discount charges. Then how does the bill benefit the common people? They have no more money than at first; they have to pay as much for money as before; and there is no more money in the country than before for emergency purposes.

I agree fully with the minority of the committee on this point, when they say in their report:

> We are of the opinion that many of the banks, finding their circulation authorized under this bill so much more profitable than the currency authorized under existing laws, will be inclined, as far as possible, to use the currency provided under this bill and refrain from issuing currency under the provisions of existing laws, and seek to force the currency issued under the provisions of this bill to do the business of the country.

There is no doubt about it. Not merely "many of the banks," but practically all of the banks, would do so. This would only be human nature. They could not reasonably be expected to do anything else.

Why should we wish to deceive ourselves or to deceive others? The wage-earners of the country have no part or lot in this bill. The working classes have none. The farmers and small tradesmen of the West have none. The miners and the quarrymen have none. The savings-bank depositors have none. It is opposed to their liberties as well as to their material interest. Its effect would be to build up a permanent moneyed aristocracy at their expense. That, in my opinion, is what its effect is deliberately intended to be by the banking interests which are behind it.

Mr. Chairman, it would naturally and almost certainly result in establishing a plutocracy as permanent, as powerful, and as incorrigible as the feudal nobility of the Middle Ages. We fear the great trusts of the present day, and with reason. We seek for legislation to curb their power, and with reason. We realize how difficult it is to secure adequate legislation to curb even the smallest trust. How, then, can the representatives of the people consent to the formation of a trust by the side of which the steel trust would look insignificant?

If the financial experts in this Congress wish to do something for the relief of the people and for the benefit of the country, let them recall this measure and submit in its stead some patriotic bill whereby the Government can be released from the chains which already bind it to the service of the money kings and whereby the people at large can get their share of the money of the country and reap the legitimate fruits of their toil and enterprise. [Applause.]

The Trusts.

SPEECH
OF
HON. HENRY M. GOLDFOGLE,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

Friday, February 6, 1903.

The House being in Committee of the Whole and having under consideration the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part—

Mr. GOLDFOGLE said:

Mr. CHAIRMAN: At last we approach a stage when this House may be enabled to pass upon some legislation touching the great question which for years has been and which particularly now is of the most vital interest to this nation, and which directly affects our citizens in common everywhere throughout the broad domain of the Republic. This question—the antitrust proposition—is the burning question of the hour. It is the one demanding our closest attention. It challenges the best thoughts of this law-creating body.

Regretful as must come the declaration, it is nevertheless true that to-day we are a trust-ridden people. Trade and commerce, those great pillars of a nation's progressiveness and healthful promoters of a nation's greatness, have been dominated over by the trusts, who, as they become greater and larger, and consequently more powerful and influential, fasten themselves, like festering sores, upon the body politic. With an overbearing greed and an avaricious grasp they have stretched out in every direction, strenuously endeavoring to control the various avenues of commerce, and in their operations have cruelly and tyrannically crushed out the average trader and the middleman, and wrung tribute from the pockets of the consumer.

With a selfishness never before beheld in the business world these trusts and combines entered upon the centralization of aggregated and combined capital and corporate power, not for fair rivalry in trade, not for legitimate competition in commerce, but for the absorption of every business interest and the monopolization of every species of commerce.

They have grown and fattened upon a system of undue exactions imposed by them on both trader and consumer, of cunning evasion of laws, of acquirement of special and unequal privileges and franchises, of fraudulent overcapitalization of stock, of improper combinations in restraint of trade, and of crafty devices to monopolize the varied branches of industry into which they extended their operations, enabling them to rule and control markets that ought to be open to free and unrestrained competition, and to raise and lower at will the prices of every commodity in which they dealt, even the very necessities of life.

At a time when the whole country—when the farmer and mechanic, the trader and the artisan, when everyone not engaged in the trusts themselves—are feeling the power and grasp of these gigantic monopolies, we must carefully consider what should, what can, be done to repress the operations of these corporate trusts. It were the grossest folly for anyone to deny the existence of such trusts, yet now and then from the other side of this Chamber comes a faint and feeble denial. With amazement I heard the other day one of the prominent and distinguished Republican members of the House declare on this floor that trusts do not exist. It was the startling denial of a patent fact.

When the learned gentleman from Wisconsin, the chairman of the Judiciary Committee [Mr. JENKINS], for whose ability I have the highest regard, boldly declared on this floor, and replying to my question reaffirmed, that there are no trusts, I could hardly give my own ears credence. Yet he is not the only one on the other side of this House who in one form or other ventured such denial. All this, sir, to shelter those lordly combines through whose pernicious and iniquitous system competition in trade and production is destroyed, competitors swallowed up, opportunities for employment and business advancement generally are lessened, extortions are practiced, and exactions in every form imposed on rich and poor alike, prices are arbitrarily enhanced, and markets as well as labor controlled, and the industrial lifeblood of the people slowly sapped away. Such, sir, are the trusts of to-day.

Permit me to call the attention of this House to the language of one of New York's great and able jurists, who delivered the opinion of the general term of the supreme court of that State in the celebrated sugar-trust case of The People of New York *vs.* The North River Sugar Refining Company, 2 Abbott's New Cases. There Mr. Justice Barrett said:

> Any combination the tendency of which is to prevent competition in its broad and general sense, and to control, and thus at will enhance, prices to the detriment of the public, is a legal monopoly. And this rule is applicable to every monopoly, whether the supply be restricted by nature or susceptible of indefinite production. The difficulty of effecting the unlawful purpose may be greater in the one case than in the other, but it is never impossible. Nor need it be permanent or complete. It is enough that it be even temporarily and partially successful. The question in the end is: Does it inevitably tend to public injury?

I might cite a hundred cases from State courts and from opinions of most eminent judges pronouncing such combinations conspiracies against the law, and severely condemning them as opposed to every fair principle of public policy. But I shall for this time content myself with reading from the opinion of one of the most noted and able jurists that ever sat upon the bench of the highest tribunal in the land. Mr. Justice Harlan, of the Supreme Court of the United States, in the Knight case, 156 U. S., at page 13, said:

> In my judgment the citizens of the several States composing the Union are entitled of right to buy goods in the State where they are manufactured, or in other States, without being confronted with an illegal combination whose business extends throughout the whole country, which by the law everywhere is an enemy to the public interest, and which prevents such buying except at prices arbitrarily fixed by it.

Mark the language of this eminent judge calmly yet forcibly stated—"an enemy to the public interest."

Again, Judge Harlan, in the same case, at page 25, says:

> A general restraint of trade has often resulted from combinations formed for the purpose of controlling prices by destroying the opportunity of buyers and sellers to deal with each other upon the basis of fair, open, free competition. Combinations of this character have frequently been the subject of judicial scrutiny, and have always been condemned as illegal because of their necessary tendency to restrain trade. Such combinations are against common right, and are crimes against the public.

Again mark the language—"crimes against the public."

These trusts have, under Republican rule, been permitted to flourish and grow and fatten until they have assumed a giant's strength and a tyrant's power. Let us, if we have not already done so, provide remedies to correct some of the evils that have been the outgrowth of these monopolies. Let us supply means to reach those things which underlie the structure and creation of these trusts.

Too long, Mr. Chairman, have these combinations upon whom the ban of the Sherman anti-trust law has been placed, gone unmolested, unhampered, and unrestrained. Too long have these corporate combines defied the power of the courts and treated with silent contempt the just demands of a long-suffering and patient people. Entirely too long has there been manifested an utter indifference on the part of a Republican Attorney-General as well as on the part of other Federal officials, charged under the Sherman antitrust law with the enforcement of that statute, to pursue or prosecute those who have been and every day are violating the laws intended to prohibit and restrict illegal combinations and trade conspiracies.

Now, sir, we have upon the statute books a law intended to cover these so-called trusts in a way—and had that law been enforced long ago—had the officers of the Government done their duty under it, perhaps the country would not to-day be so grievously suffering from the operations of the trust. Section 1 of the Sherman-antitrust law reads:

> SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

Yet, sir, these illegal combinations have grown and multiplied in power; yet the beef trust, and the coal trust, and the steel trust, the sugar trust, and the other trusts are left undisturbed to prey upon a community and continue their robberies of the people. Note what section 2 of the same law provides:

> SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Yet, in the face of the most glaring proofs and notorious fact that such monopolies are daily and hourly, in the very glare of the day, doing business in violation of the law, there have been no prosecutions in the Federal criminal courts under the section of the statute to which I have just referred. Under Republican rule the law has been treated as a dead letter and the trusts have regarded it as a farce.

Mr. Chairman, at times the President of the United States and the Attorney-General, too, have given utterances against the trusts. But has the Attorney-General acted in a way to indicate that his Department is desirous of prosecuting the illegal combinations against which the laws now on the books are directed? Let us judge men by their acts, not their words—by their deeds and their efforts, not by their professions or their promises.

Why has Congress sat by supinely without enacting legislation to curb, control, or regulate the various corporations who combine and conspire to create and carry on the trusts. Why, I ask, has Congress, if indeed the Sherman anti-trust law has been found ineffectual to reach the guilty parties, not enacted laws to reach the corporations whose operations have contributed to aid and abet the trusts.

Why has the American Congress unheeded public demands and failed to legislate so that the light of publicity might be shed upon the workings and transactions of the corporations doing an interstate business, over which, under the Constitution, we may exercise jurisdiction.

Why has Congress—or rather why has the majority on the other side of this House, in control of this body—failed to exert the power which the Constitution under the interstate and foreign commerce provision invests in the Federal legislature to check and curb, if they could not prevent the organization of these combinations so highly detrimental to trade and so destructive to the commercial prosperity of the citizen. Trusts have contributed from their overflowing treasuries to carry elections; they have been heavy contributors to the campaign funds of the Republican party; their magnates and prime movers have been found among the most faithful adherents of the so-called grand old party. No wonder then that there has been this inaction and indifference of which to-day the toiling masses of the country sorely complain.

No one complains, or rather no one should complain, of any fair or legitimate competition in trade. Fair competition promotes a healthful condition of commerce. Legitimate rivalry should be encouraged, for it spurs men on to business activity and helps to upbuild the commercial interests of the country. Honest opposition in trade pursuits makes men keener and brings out the best points of a man's business capacity.

We welcome fair competition, fair rivalry, and honest opposition and legitimate trade contention, for without it this country would not be the great and prosperous nation that it is to-day. We do not decry or condemn the existence of corporations or corporate interests if they be conducted on just and fair and square business lines.

Trade and commerce is the life blood of a nation—the "calm health" without which no people can succeed—but the pursuit of it must be free and unrestrained to the people alike. The opportunity afforded by the law must be equal. No combination of

men or capital must be permitted to erect the walls of exclusion around it. The race for success must be an open one, "where each may freely contest for individual supremacy" in every field of industry, and in which the fittest may survive and the best man win. [Applause.]

As far back as the opening of the first session of this Congress the President of the United States in his message called attention to the trust evil. He recommended publicity as one of the remedies. Even to this, during that long session of seven months, and entirely till recently, the ears of Congress were deaf. Yes, sir; seven long months of a session passed, but no antitrust legislation; no legislation for publicity; no legislation against unfair or unjust discrimination of freight rates—none whatever against the allowance of discriminating rebates and concessions.

The lime light of publicity was not even to be let on the transactions of corporations who were reaping millions and earning fabulous dividends through the fraudulent overcapitalization of stock.

When Congress convened last December President Roosevelt again in his message spoke of the necessity for Federal control over corporations doing an interstate-commerce business. I read from the message:

> No more important subject can come before Congress than this of the regulation of interstate business. The country can not afford to sit supine on the plea that under our peculiar system of government we are helpless in the presence of the new conditions and unable to grapple with them or to cut out whatever of evil has arisen in connection with them. The power of Congress to regulate interstate commerce is an absolute and unqualified grant and without limitations other than those prescribed by the Constitution.
>
> The Congress has constitutional authority to make all laws necessary and proper for executing the power, and I am satisfied that this power has not been exhausted by any legislation now on the statute books. It is evident, therefore, that evils restrictive of commercial freedom and entailing restraint upon national commerce fall within the regulative power of Congress, and that a wise and reasonable law would be a necessary and proper exercise of Congressional authority to the end that such evils be eradicated.

I shall not undertake now to cite many of the authorities of the courts, nor quote from the decisions of the Supreme Court of the United States, to show that these tribunals have held that the power to regulate such interstate commerce resides in Congress. So that when the President declares that Congress possesses this power he is absolutely correct; and possessing it, sustained by authority of the highest character, we ought to fearlessly proceed to exercise it.

Does the bill now under consideration satisfy the demands which, in fairness and in justice, the people throughout the land are making upon us for the curbing, the control, or regulation of these corporations? Does the bill, or, rather, if it be enacted into law, will it, serve the purposes for which it is claimed it was brought before the House?

Does it affect in any way the existing corporations or trusts? Or, after all, is it not legislation of a vague, weak, unsubstantial, and ineffectual kind, to be passed as a makeshift and blind the people, if possible, into the belief that the pressing demand of the hour has been satisfied. Sir, in many ways this bill now before us is only a makeshift, full of defects, loaded down with provisions easily evaded, and provided with penalties absurdly inadequate.

In many respects the pending bill is harmless, and yet, as an entering wedge for further legislation, it is not altogether desirable by the trusts. If we can have no better law at this session than the one now proposed I shall vote for it, but I do hope that ere it shall be finally voted upon the amendments prepared by the Democratic minority of the committee will be incorporated in the bill.

When the bill was first introduced by the gentleman from Maine [Mr. LITTLEFIELD] it bore the title:

> A bill requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

And the very first provision of the bill required that every corporation engaged in interstate commerce shall on or before September 1 of each year file a return, etc.

How has the gentleman reported the bill? How has it undergone a change that the existing trusts may not be injured and the existing corporations into whose methods we have a right to inquire may not be affected? As the bill now comes from the committee, supported and advocated by the gentleman from Maine [Mr. LITTLEFIELD] it exempts the corporations now in being—it lets them generously and handsomely alone. One would suppose that the one who "burned the midnight oil" endeavoring to devise the means to "bust up trusts" would not have seen fit to omit the existing corporations—those corporations against whose methods and conduct people, press, and pulpit alike have loudly protested—from being required to at least submit to the publicity which the President himself recommends.

Lame and impotent, indeed, is the measure as it is presented to us now. Year in and year out we have protested against such combinations as the steel trust, the sugar trust, the coal trust, the Standard Oil trust, the tobacco trust, the iron trust, the cotton bagging trust, and a number of others, to which there has been recently added, last but not least, the beef trust; yet the corporations through whose acts these trusts were made possible, through whose acts they were supported and maintained—these existing corporations are to be let generously and handsomely alone. It is preposterous that this bill is not to reach them.

They are not to be required at all to submit to publicity. When the people come to analyze this bill—when they shall find that you have allowed existing corporations to go freed from the provisions you impose upon corporations "to be hereafter organized"—they will soon discover in whose interest this singular omission is made.

Examine the bill and see if the distinguished gentleman from Maine [Mr. LITTLEFIELD] is the "trust buster" he has been pictured. No, indeed. There is no "trust busting" in this bill at least. The title of the bill and the original draft covered all—mark you, "all"—corporations engaged in interstate commerce, but now, what wondrous change. What change came over the spirit of the gentleman's dream? Who wrought it? What or whose mind evolved it? Let there be no misunderstanding on this point. Only corporations "hereafter to be organized" are to be subjected to publicity, and this, sir, to my mind not only practically nullifies the recommendations of the President, but places a premium on existing monopolies.

In his message President Roosevelt says:

> Publicity can do no harm to the honest corporation, and we need not be overtender about sparing the dishonest corporation.

In this I and every member on this side of the House share his view. Why, then, are the existing interstate-commerce corporations to be absolved from the requirement placed upon corporations to be hereafter formed. Why, sir, to do this will but strengthen the monopolies already in existence and gain for them an additional advantage over every corporate competitor that is to come. [Applause on Democratic side.]

Let us see how many of the corporations capitalized each at over $10,000,000 were formed within the last three and a half years, and then answer why each of these should be free from the operation of the pending bill, which requires reports to be made by corporations, not in being, but by those to come. The total capital of these corporations—mark you, the corporations with a capital of over ten millions each—foots up to $4,318,005,646. They were formed between January 1, 1899, and September 1, 1902. This is the list, taken from Moody's Manual of Corporation Securities:

Trusts.	Date.	Amount.
Allis-Chalmers Co	1901	$36,250,000
Amalgamated Copper Co	1899	155,000,000
American Agricultural Chemical Co	1899	33,600,000
American Beet Sugar Co	1899	20,000,000
American Bicycle Co	1899	36,496,400
American Brass Co	1900	10,000,000
American Can Co	1901	82,466,600
American Car and Foundry Co	1899	60,000,000
American Grass Twine Co	1899	13,083,000
American Cigar Co	1901	10,000,000
American Hide and Leather Co	1899	33,025,000
American Ice Co	1899	41,705,000
American Iron and Steel Manufacturing Co	1899	20,000,000
American Light and Traction Co	1901	12,127,800
American Locomotive Co	1901	50,412,500
American Machine and Ordnance Co	1902	10,000,000
American Packing Co	1902	20,000,000
American Plow Co	1901	75,000,000
American Railway Equipment Co	1899	22,000,000
American Sewer Pipe Co	1900	10,295,700
American Shipbuilding Co	1899	15,500,000
American Smelting and Refining Co	1899	100,000,000
American Snuff Co	1900	23,001,700
American Steel Foundries Co	1902	90,000,000
American Window Glass Co	1899	17,000,000
American Woolen Co	1899	49,796,100
American Writing Paper Co	1899	30,000,000
Associated Merchants Co	1901	15,000,000
Atlantic Rubber Shoe Co	1901	10,000,000
Borden's Condensed Milk Co	1899	25,000,000
Central Foundry Co	1899	18,000,000
Chicago Pneumatic Tool Co	1902	10,000,000
Colonial Lumber and Box Corporation	1902	15,000,000
Consolidated Railway Lighting and Refrigerating Co	1901	17,000,000
Consolidated Tobacco Co	1901	262,689,200
Corn Products Co	1902	80,000,000
Crucible Steel Co. of America	1900	50,000,000
Eastman Kodak Co	1901	19,673,100
Electric Co. of America	1899	20,368,400
Electric Vehicle Co	1899	18,475,000
Fairmont Coal Co	1901	18,000,000
General Chemical Co	1899	16,821,500
Harbison-Walker Refractories Co	1902	25,750,000
International Harvester Co	1902	120,000,000
International Salt Co	1901	33,000,000
International Steam Pump Co	1899	31,150,000
Jones & Laughlin Steel Co	1902	30,000,000
Monongahela River Consolidated Coal and Coke Co	1899	39,470,000
National Asphalt Co	1900	55,563,000
National Carbon Co	1899	10,000,000

Trusts.	Date.	Amount.
National Enameling and Stamping Co	1899	$23,338,400
National Fireproofing Co	1899	12,500,000
National Sugar Refining Co	1900	20,000,000
New England Cotton Yarn Co	1899	15,577,000
New York Dock Co	1901	28,580,000
Pacific Hardware and Steel Co	1902	10,000,000
Pennsylvania Steel Co	1901	34,250,000
Pittsburg Brewing Co	1899	26,000,000
Pittsburg Coal Co	1899	59,731,900
Planters' Compress Co	1899	10,000,000
Pressed Steel Car Co	1899	30,000,000
Quaker Oats Co	1901	11,500,000
Railway Steel Spring Co	1902	20,000,000
Republic Iron and Steel Co	1899	48,204,000
Royal Baking Powder Co	1899	20,000,000
Rubber Goods Manufacturing Co	1899	26,410,015
Sloss-Sheffield Steel and Iron Co	1899	18,200,000
Standard Milling Co	1900	17,250,000
Steamship Co., Consolidated Trans-Atlantic	1902	170,000,000
Union Bag and Paper Co	1899	27,000,000
United Box, Board and Paper Co	1902	30,000,000
United Fruit Co	1899	15,369,500
United Copper Co	1902	50,000,000
United Shoe Machinery Co	1899	20,656,570
United States Cast-Iron Pipe and Foundry Co	1899	25,000,035
United States Cotton Duck Corporation	1901	13,100,000
United States Realty and Construction Co	1902	66,000,000
United States Reduction and Refining Co	1901	12,808,300
United States Shipbuilding Co	1902	71,000,000
United States Steel Corporation	1901	1,389,339,950
Universal Tobacco Co	1901	10,000,006
Virginia Iron, Coal and Coke Co	1899	18,070,000
Total		4,318,005,646

Even the penalties prescribed by the bill are purposely made light, and in many cases are entirely inadequate to meet the crime. If they are intended at all to prevent the commission of the offenses for which they are to be imposed, the wealthy corporation or the opulent trust may treat them with contempt and smile at them as a farce.

Without calling attention now to many small and inadequate penalties provided for various violations of different sections of the proposed law, I want to call special attention to the absurdly inadequate penalty prescribed in section 5 of the bill. That section as drawn leaves open the door to evasion and subterfuge, but I trust we will perfect it when the time for amendment comes. It provides in substance that there shall not be offered nor accepted any rebate, concession, or facility, etc., whereby property carried by a common carrier, subject to the act, shall be transported at a less rate than that provided in the tariffs published and filed, as provided by the interstate commerce law, but a violation of this section is to be punished only by a fine of not less than $1,000. There is no maximum fine stated in the bill. A fine of $1,000 is practically provided for against the commission of that which is one of the most grievous evils of the trusts—a fine to come out of a treasury of millions upon millions. Observe also that the bill does not impose a punishment upon any officer, or director, or agent of a corporation, who may aid in the violation. The corporation alone is to be subjected to the penalty. Does one believe that such a bill will deter a corporation possessing millions from resorting to violations of its provisions, knowing after a most vigorous prosecution and great expenditures of public money to secure conviction, the corporation may escape at the very worst with what after all to it is but a nominal fine.

When we shall proceed to consider amendments to the bill, let there be no narrow partisanship displayed. I am afraid, however, I am hoping for too much. The party who has stood by and fostered, helped, and sheltered the trusts can hardly be expected at one blow to strike at the institutions who have so greatly and liberally aided them and "soothed and sustained" them in the hour of need.

The people look to this Congress for vigorous legislation against monopolies and trusts. But I say it with regret they will look in vain. Publicity alone, and especially, too, as it is provided for in the present bill, is not enough. It falls frightfully short of the remedy required to meet the existing evil. The Democratic minority have in their report suggested some remedies. They are worthy of and should receive our sober and serious consideration. Pass the bill in its present shape and the people will see through your thin disguise.

You may herald around and about that you will meet the anti-trust question with legislation, but an intelligent people will not permit you longer to hoodwink them. Face the issue, gentlemen, and do not evade it. We are not waging a war on capital. Honest wealth gotten by honest means should never be decried. Capital and labor should go hand in hand together.

But in the administration of this great Government let there be no class created nor permitted through form of law to exist who may, through special privileges and unchecked combinations, secure a monopoly of trade which results in the business ruination of the trader and the robbery of the consumer, for, as a distinguished statesman recently said:

> Whatever crushes out the individual, whatever keeps down the many striving to make a living, striving to make money, striving to accumulate property, tends in the end to the injury of the whole people.

Another great danger threatening the welfare of the public and the well-being of the community is the corrupting influence that these great aggregations of capital are liable to exercise, and too frequently have exercised, in both State and in nation.

Speaking on that subject Mr. Justice Brown, in Pearsall *v.* Great Northern Railway Company, 161 U. S., 676, utters words of warning to the American people against these dangerous influences, corrupting in their nature, and harmful and baneful wherever they are exercised in legislative or official circles. The learned judge in that case said:

> There are, moreover, thought to be other dangers to the moral sense of the community incident to such aggregation of wealth which, though indirect, are even more insidious in their influence, and such as have awakened feelings of hostility which have not failed to find expression in legislative acts.

When the Joint Traffic Association cases were decided by the Supreme Court of the United States in 166 U. S., 322, Mr. Justice Peckham, delivering the opinion of the Court, pointedly called attention to the unfortunate prevailing conditions and the evil influences of the trusts, when he said:

> It is true the result of trusts or combinations of that nature (railroads) may be different in different kinds of corporations, and yet they all have an essential similarity and have been induced by motives of individual or corporate aggrandizement, as against the public interest. In business or trading combinations they may even temporarily or permanently reduce the price of the article traded in or manufactured, by reducing the expenses inseparable from running of many different companies for the same purpose.
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> * * * * * * *
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> It takes time to effect a readjustment of industrial life, so that those who are thrown out of their old employment by reason of such changes as we have spoken of may find opportunities for labor in other departments than those to which they have been accustomed. It is a misfortune, but in such cases it seems to be the inevitable accompaniment of change and improvement.
>
> It is wholly different, however, when such changes are effected by combinations of capital, whose purpose in combining is to control the production or manufacture of any particular article in the market, and by such control dictate the price at which the article shall be sold, the effect being to drive out of business all the small dealers in the commodity and to render the public subject to the decision of the combination as to what price shall be paid for the article. In this light it is not material that the price of an article may be lowered. It is in the power of the combination to raise it, and the result, in any event, is unfortunate for the country, by depriving it of the services of a large number of small, independent dealers, who were familiar with the business and had spent their lives in it, and who supported themselves and their families from the small profits realized therein. * * * Nor is it for the substantial interests of the country that one commodity should be within the power and subject to the will of one powerful combination of capital.

Take away, then, from these monopolies, who have grown up under a vicious system, the extraordinary privileges and special advantages they are now permitted to enjoy and upon which they have thrived; revise the tariff so that these trust magnates may not be enabled to fix and control at their own sweet will the prices on the necessities of life, and arrogantly change at pleasure the prices on articles over the sale or production of which they have secured and exercise an almost exclusive control; prohibit by well-constructed and effective laws the corporations which have been fraudulently capitalized from doing an interstate business; prohibit such combines as the law pronounces illegal from the use of the mails so long as they continue in their violations; prohibit under severe penalties the allowance or acceptance of unequal discrimination of freight rates and rebates by shippers and common carriers who can be subjected to Federal jurisdiction.

Keep under control and governmental supervision the corporations who in their operations deal between the States so that fraudulent practices and illegal combinations may be held in check; in short, pass laws at once wholesome, effective, substantial that will meet the conditions with which we must deal and tend to curb—if we can not destroy—the trusts, and we shall earn the everlasting gratitude of the American people. [Applause.]

In the discussion on this bill I have heard many of the gentlemen on this side of the Chamber eloquently picture the wrongs done by the trusts and their merciless and avaricious grasp for wealth and power. But though they are overdrawn, and rather facetious, the verses I find in a publication just at hand picture well the grasping tendencies of these giant monopolies, who have done so much toward the destruction of industrial freedom.

Let us corner up the sunbeams
  Lying all around our path;
Get a trust on wheat and roses;
  Give the poor the thorns and chaff.
Let us find our chiefest pleasure
  Hoarding bounties of to-day,
So the poor shall have scant measure
  And two prices have to pay.

Yes, we'll reservoir the rivers;
And we'll levy on the lakes,
And we'll lay a trifling toll tax
On each poor man who partakes.
We will brand his number on him
That he'll carry through his life;
We'll apprentice all his children;
Get a mortgage on his wife.

We will capture e'en the wind god,
And confine him in a cave;
And then, through our patent process,
We the atmosphere will save.
Thus we'll squeeze our little brother
When he tries his lungs to fill,
Put a meter on his windpipe
And present our little bill.

We will syndicate the starlight,
And monopolize the moon,
Claim a royalty on rest days,
A proprietary noon;
For right of way through ocean's spray
We'll charge just what it's worth;
We'll drive our stakes around the lakes—
In fact, we'll own the earth.

[Laughter and applause.]

Sir, the trusts, to which we have referred—those which come under the ban of the Sherman antitrust law—are opposed to the policy, the spirit, and the genius of our American institutions. Break, oh break the shackles and fetters which trade conspiracies and over-avaricious combines would place upon brawn and muscle and brains and genius, and through which they would stifle energy and smother ambition. Rise, ye representatives of a free people, above mere considerations of politics in this all-important matter, to the high, exalted position of true statesmanship with an eye solely and singly for the public weal, so that the individual identity and opportunity of the citizen may be strengthened and preserved, and the good, old, sound Democratic doctrine may be strictly observed throughout the land: "Equal and exact justice to all; special privileges and advantages to none." [Applause.]

Statehood Bill.

SPEECH
OF
HON. STEPHEN B. ELKINS,
OF WEST VIRGINIA,
IN THE SENATE OF THE UNITED STATES,

Monday, February 9, 1903.

The Senate having under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States—

Mr. ELKINS said:

Mr. PRESIDENT: The senior Senator from New Jersey [Mr. KEAN] during his remarks read from a speech I made in the House twenty-seven years ago upon a bill to admit New Mexico as a State in the Union, which bill passed the House by two-thirds majority and passed the Senate by a like vote, but with a slight amendment. It was so late in the session that I was unable to have the bill taken from the desk of the Speaker of the House and the Senate amendment concurred in, and in this way the bill failed though having passed both bodies by such a large majority. I thank the Senator for giving me the opportunity at this time to reply to some criticisms he has made on that speech, as well as set forth briefly some of the reasons that have moved me heartily to support the bill under consideration.

Mr. President, it did seem to me that the question of statehood for the various Territories had been most happily settled by both parties in the national conventions of the two great parties during the last twelve years, and especially in the last conventions which declared in unmistakable terms in favor of the admission of the Territories named in this bill. When I saw that the bill now before the Senate had been reported favorably in the House, and noticed its passage with a unanimity which was almost unparalleled, I felt there could no longer be any doubt in doing a matter of simple justice so long delayed and so long denied to the people of the Territories.

PLEDGES IN NATIONAL PLATFORMS OF BOTH PARTIES.

Mr. President, I think it is well for Senators to recur to the pledges made in the national platforms of both parties on the subject of the admission of the Territories. I know it has been claimed vigorously and eloquently in this debate by Republican Senators that these pledges do not mean anything, and have no binding force or effect on the great political parties making them. I have asked myself while the debate has been in progress if this be the case what were they put in the platforms for if they did not mean anything, and were not to be kept as other pledges and declarations. I must confess, however, that the Democratic party has tried to keep the pledges made in its platforms as to the admission of the Territories, and I am glad when an opportunity presents itself which enables it to be said broadly that the Democratic party is keeping faith and standing by its pledges. In the House I think the Democrats voted unanimously in favor of the bill now under consideration.

But here in this body, where prejudice should be hushed into silence and Senators see their duty with a clear vision, strange to say, a majority of the Republican Senators oppose this measure, while there is practical unanimity among the Democratic Senators in its favor. I regret to see, and regret more to admit, that the Republican party in the Senate in this case is not keeping faith, but seeking by specious argument to evade the obligations laid upon its members in Congress by the declarations of its national platforms.

Mr. President, I will detain the Senate long enough to read these declarations, and I do not see how it is possible for a Republican Senator to avoid or evade them. I go back as far as 1888.

The Republican convention assembled in Chicago in June of that year, on the subject of the admission of South Dakota as a State in the Union, said:

South Dakota should of right be immediately admitted as a State in the Union, under the constitution framed and adopted by her people, and we heartily indorse the action of the Republican Senate in twice passing bills for her admission. The refusal of the Democratic House of Representatives, for partisan purposes, to favorably consider those bills, is a willful violation of the sacred American principle of local self-government, and merits the condemnation of all just men.

This is a severe arraignment of the Democratic party by the Republican party in national convention assembled for doing just what the Republican members of the Senate are doing now in opposing the bill before the Senate.

On the subject of admitting the remaining Territories the convention unanimously spoke as follows:

The Republican party pledges itself to do all in its power to facilitate the admission of the Territories of New Mexico, Wyoming, Idaho, and Arizona to the enjoyment of self-government as States, such of them as are now qualified, as soon as possible, and the others as soon as they may become so.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. ELKINS. With pleasure.

Mr. CLAY. Will the Senator from West Virginia let me ask him a question?

Mr. ELKINS. Yes, sir.

Mr. CLAY. Is it not true that in the Republican convention which assembled in 1888 to nominate candidates for President and Vice-President, Mr. McKinley was chairman of the committee on platform, and did not Mr. McKinley report a platform containing a provision in favor or the admission of these Territories as States?

Mr. ELKINS. That is my remembrance.

Mr. CLAY. And named them in that platform?

Mr. ELKINS. Yes, sir, and what I have just read is taken from this platform reported by President McKinley.

Mr. CLAY. That is correct.

Mr. ELKINS. There can be no question as to what the language which I have read means. There is no way to avoid it without open defiance of party pledges, which should in my judgment bind every Republican here and elsewhere.

Mr. HALE. Will not the Senator read that declaration again?

Mr. ELKINS. It would take too long. We who favor the bill want a vote on this question and don't want to consume time by reading things twice.

Mr. KEAN. I should like to hear it. I will yield time enough to the Senator to read it.

Mr. ELKINS (reading):

The Republican party pledges itself to do all in its power—

That is going a long way for the Republican party in the way of a pledge—it pledges itself to do all in its power. The Republican party has great power to do things when not hampered by a few members of the Senate—

to facilitate the admission of the Territories of New Mexico, Wyoming, Idaho, and Arizona to the enjoyment of self-government as States—such of them as are now qualified as soon as possible, and the others as soon as they may become so.

These Territories were then qualified and they are qualified now for admission.

Mr. HALE. The majority of the committee base their report on that resolution.

Mr. ELKINS. That report is the most unfortunate, illogical, inconsistent, and unjust report that ever crept out of the brains of a committee of this body.

Mr. HALE. It is unfortunate for the Senator.

Mr. ELKINS. Not at all. It is unfortunate for the Republican party, because it not only lays down a rule as to the admission of

Territories never heard of before but furnishes reasons why Republican Senators should set aside the pledges of their party.

Mr. HALE. It is based on the proposition of the national convention, that as soon as these Territories are entitled to admission, they shall be admitted; and the majority of the committee has brought in a report that only Oklahoma is entitled to admission. When the others, in the language of the resolution of the national convention, are entitled to admission then we will admit them.

Mr. GALLINGER. Let us see what was said later.

Mr. ELKINS. This was in 1888. Let us see what was said later on in Republican national conventions on the subject. Let us see if the Senator's position is true. The platform of the Republican convention of 1892, four years after, declares as follows:

We favor the admission of the remaining Territories at the earliest practicable day, having due regard to the interests of the people of the Territories and of the United States.

Can there be any doubt about this language?

Mr. HALE. That is all right.

Mr. ELKINS. Here is another platform. If it pleases the Senator, I am delighted. I hope it will change his vote and bring him, a most distinguished Senator and life-long Republican, to a realizing sense of justice. Why this opposition, this strangling of justice and continued refusal to assist in the birth of puissant States, as the future will show them to be if this bill becomes a law?

The Republican convention at St. Louis, on June 16, 1896, declared:

We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interests of the people of the Territories and of the United States.

Mr. KEAN. The Senator from West Virginia certainly does not find any fault with the language he has just read?

Mr. ELKINS. Not a bit. It is right to the point. [Laughter.]

Mr. KEAN. Perhaps if the Senator will read it again——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Senators will please address the Chair.

Mr. KEAN. I ask pardon.

Mr. ELKINS. Here are the expressions of three conventions. The one of 1900 is also here. Now, in 1900 it was declared:

We favor home rule for, and the early admission to statehood of—

What?

of the Territories of New Mexico, Arizona, and Oklahoma.

There is no limitation whatever in this declaration; it is plain, clear, and explicit.

Mr. NELSON. Will the Senator allow me a question?

Mr. ELKINS. Yes, sir.

Mr. NELSON. What does the Senator understand by "home rule?"

Mr. ELKINS. Home rule for the Territories means, I take it, the appointment to office of residents of the Territories, and in another sense it means State government where people have a right to help make the laws and to say how they shall be taxed, which is home rule in the broadest sense, such as only States can enjoy and Territories do not.

Mr. NELSON. Will the Senator allow me further?

Mr. ELKINS. Oh, yes, sir.

Mr. NELSON. I wish to suggest to him that I think he is in error on this point. The phrase "home rule" in the platform there does not refer at all to the admission of Territories as States. It simply means that their offices are to be held by their own people. "Home rule" there means that outsiders from other States shall not be appointed to Territorial offices. That is all it means; and we have lived up to that doctrine.

Mr. ELKINS. Now witness what a fair-minded Senator can say and do when he is so misguided and set in his opposition to doing justice to the people of the Territories.

We favor home rule for—

That is one proposition.

And the early admission to statehood—

Mr. SPOONER. Oh, no.

Mr. ELKINS. It is here.

Mr. SPOONER. It is here, too.

Mr. ELKINS. Read it.

Mr. SPOONER (reading):

We favor home rule—

In the Territories——

Mr. ELKINS. What else?

Mr. SPOONER. And the District of Columbia.

Mr. ELKINS. What else?

Mr. SPOONER. "And the early admission to statehood"——

Mr. ELKINS. Why did you rise in your place to try to hide and keep that back. [Laughter.] I am astonished at the Senator from Wisconsin. Early admission to statehood means early admission of these Territories as States, just what is provided for in this bill, and we are trying to do, and a minority of the Senate is opposing.

Mr. SPOONER. The Senator certainly would not want the platform of the Republican convention charged with the stupidity of declaring for home rule in a State, would he?

Mr. ELKINS. I think if we had more home rule in the States and a little less rule from Washington in the States we would be better off. That is my view of the situation.

Mr. SPOONER. I am disposed to agree with the Senator somewhat about that. The Democrats——

Mr. ELKINS. I will come to the Democrats if you will let me.

Mr. SPOONER. The Democratic platform was different. It declared for the immediate admission of these Territories and for home rule in Alaska.

Mr. ELKINS. But in this case the Senator will not be bound by the Democratic platform or the platform of his own party.

Mr. SPOONER. I construe the platform to suit my conscience and the evident purpose of the convention.

Mr. ELKINS. Well, a lawyer sometimes adopts strange constructions, even one so able and distinguished as the honorable Senator.

Mr. SPOONER. The Senator is a lawyer. I admit he is right.

Mr. ELKINS. Strange construction the Senator puts upon plain language.

Mr. President, I am glad the Senator is through. I know what I have cited from the Republican platform is unwelcome reading, and does not sound well to him just at this time.

The Democratic party on this question has a better record than the Republican party; it is trying to keep the pledges made in its platforms. This delights me, for Democrats don't always try to adhere to their platform. Listen to what the Democrats say:

We denounce the failure of the Republican party—

Think of it! The Democratic party being good enough to denounce Republicans—

We denounce the failure of the Republican party to carry out its pledges—

You see how the Democrats construed the Republican platform—

To carry out its pledges to grant statehood to the Territories of Arizona, New Mexico, and Oklahoma.

Here was a great convention, with nine hundred delegates, representing nearly half the people of the Union. See how they construed the Republican platform. They even denounced the Republican party, for its failure to carry out its pledges as to statehood. They believed it meant the admission of those Territories into the Union, and they were right, as the Republican Senators on this floor are right in favoring this bill and trying to keep the faith pledged in our last national platform.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Minnesota?

Mr. ELKINS. Yes, sir.

Mr. NELSON. I want to call the Senator's attention to the fact that you can not always rely upon the denunciation of the Democratic platform. The Senator knows perfectly well how they denounced trusts, and yet there is said to be a difference of opinion among them on that question. We can not always be guided by what the Democrats denounce or what they extoll.

Mr. ELKINS. We should allow the Democrats to speak for themselves on the subject of trusts and all other subjects. They are urgent and eloquent on the trust subject—but I know they are right on the statehood question, and finding them right I wish to encourage them in welldoing.

The Democrats declare in their platform:

We promise the people of those Territories immediate statehood.

The Republican party made this same promise, but in the Senate Republican Senators are trying to avoid this promise. There were 900 delegates in the convention fresh from the people and knew their wishes, while there are only 37 Republicans in the Senate undertaking to overrule the unanimous pledge of a national convention. The Republican party made a solemn promise in the presence of this nation and the world that it would give the people of the Territories statehood, and a minority of the Senate is now doing all in its power to evade and set aside this promise.

I now read from the Democratic platform of 1892:

We approve the action of the present House of Representatives in passing bills for the admission into the Union as States of the Territories of New Mexico and Arizona, and we favor the early admission of all the Territories having necessary population and resources.

Mr. HALE. Always.

Mr. ELKINS. These are pledges. They are not idle words, purely academic, written down for a debating society. They are pledges that are sacred. National conventions interpret the will of the people, and this is the first time in the history of this country that a minority of the Senate has undertaken to set aside the will of the two great parties as set forth in their platforms.

The senior Senator from Ohio [Mr. HANNA] and the junior Senator from Indiana [Mr. BEVERIDGE] and the Senators who have spoken on this subject on the other side of this question say that these promises mean nothing because there was no issue during the campaigns that followed. I believe I do not misrepresent the senior Senator from Ohio, Mr. HANNA, in his powerful, ponderous, passionate, and pathetic appeal to the Senate a few days ago to do its duty, when he stated that these promises did not mean anything because there was no issue. There was no issue and there could be none before the country, for the reason that the Democrats fully agreed with the Republicans on the subject of admitting these Territories. They had, if you please, agreed and declared that the Republican position was right, and made the same pledges and promises to the people of the country that the Republicans had made. What was the necessity for discussing the question when both parties made the same declaration?

When the two great parties agree on any subject, this shows unanimity in the public mind which should be respected by everybody in the Senate and out of it. Because speeches were not made during the campaign in favor of statehood, it does not follow that the words of the platform are meaningless. There could not be an issue, because both parties agreed; and because both parties agreed, this ended the question, and there could be no discussion. There was no difference and no cause for discussion. They agreed in language as strong as could be written. Language means something. It meant something in this case, and can not now be made meaningless because 37 Senators refuse to stand by the platform of the Republican party.

If the Republican party had declared for statehood and the Democratic party had declared against it, then there would have been an issue, which would have been debated all over the country. But there was a unanimity, an agreement, as I have said, on this great subject.

I believe there is a fair majority of Senators who favor this bill. One of the sayings of the older Senators who guide so ably the destinies of the Senate is, "Senators may rely upon it, whenever there is a pronounced majority for any measure in the Senate, no matter how long the discussion, the majority will prevail." I analyze the vote on this bill as follows: I do not know whether it is quite proper to say it, but I believe there are 38 Democrats and 16 Republicans who favor the bill, and 38 Republicans who oppose it. This shows a clear majority in its favor, and also shows those who are trying to keep the pledges of their party, and further that a minority is trying to obstruct the business of the Senate. The will of a majority of the Senate has been fought at every step. An attempt has been made to put the majority of the Senate on this great question in the position of obstructionists, and create the impression that this majority is hindering the business of the Senate. The Senator from Ohio [Mr. HANNA] says, "We want more deliberation; we want to wait."

Fifty years ago, before the Senator from Indiana was born, the question of the admission of New Mexico was agitated, and twenty-seven years ago, when he was in kilts, and long before the senior Senator from Ohio had reached his dizzy prominence in public affairs that brings me and his admirers all over the country such measureless satisfaction, a bill to admit New Mexico, as I said before, passed both the House and the Senate by a two-thirds majority. Now both Senators plead for more time to look into the question—more time to keep the Territories in vassalage. The Senator from Ohio intimates that his ear is close to the ground, and that he listens and public sentiment is crystallizing against this measure. I wish to tell the Senator that nobody knows better than he that a national convention interprets for Republicans everywhere, in the Senate and out of it, the wishes of the party. It is not what one Senator may think, or another, or even 37 may think—they stand just for 37 individuals in the party. Three Republican national conventions have commanded Republicans in no uncertain words to admit the Territories named in the bill before the Senate, and we are not doing our duty if we refuse. National conventions speak by authority, and their declarations are binding upon the conscience and will of all the members of their respective parties. There should be no public opinion against the pledges of a great party.

Mr. President, no man who has not lived in a Territory can understand how dwarfing are the conditions that obtain. I lived in New Mexico ten years and I know how intolerable are the burdens of a Territorial government. In the great Republic in our scheme of government a Territory is simply a temporary arrangement, a probationary period. The people are only getting ready in Territories to be admitted as States, and for broad American and full-fledged citizenship. It never was contemplated that Territories were to be kept as such fifty or a hundred years before admitting them as States. It never was intended. It never was thought of and advocated until now, in the report of the Committee on Territories on the bill under consideration.

The people of Territories are unfortunate. They have no vote in Congress. They have but a limited voice in the administration of their own affairs. They can not pass laws looking to internal improvements. I have in mind a very important fact which has held back New Mexico; I mean the settlement of Mexican land grants. The United States has been fifty years in settling them. California settled hers, or most of them, in three or four years. Why? She was a State and she had Senators on this floor to push her cause and demand that there should be a settlement of the land grants. I could instance in the Territory of New Mexico and Arizona a dozen cases where, if they had been States, the population would have multiplied. A State government induces stability, inspires confidence, insures home rule, home government, gives power to the people to do things in their own interest through Senators and Representatives, a voice in legislation—in making the laws—that govern them. It brings a better administration of justice. All these things in their fullness are denied the people of a Territory.

Notice the difference between a State and a Territory. The State of Colorado was admitted into the Union with a population much less than that of New Mexico. The State of Colorado and the Territory of New Mexico are equal in natural resources, or very nearly so. Colorado is greater in mining and New Mexico is greater in agriculture and stock growing, as Arizona is greater in agriculture. Colorado, after admission, pushed forward and has become a great and powerful State in the Union, while these two Territories have gone forward at a slow pace.

It is natural for a people to want to be emancipated from tutelage, from vassalage, and enjoy, have, and hold all the privileges and rights of American citizens. Congress taxes the people of the Territories, making a source of revenue out of them, without representation in Congress, without one vote in this body on any question that affects their fortunes, destinies, or dearest interests. Congress can set aside every law the Territories pass. You send foreign rulers to govern them, and they must submit. This is limited despotism. To be in and a part of the American Union is the greatest privilege and boon that can come to the lot of any people.

Mr. President, I wish briefly to call attention to the present condition and history of New Mexico, and what I shall say as to New Mexico largely applies to Arizona, because she was formerly a part of New Mexico. New Mexico has been a Territory for fifty-four or fifty-five years. When General Kearny, commanding the troops of the United States, took possession of that Territory, in order to pacify the people, he said in substance in a public proclamation by authority of our Government: We come here not as conquerors, but as friends. We have raised the flag of the United States over you. It is the symbol of liberty and justice. Be obedient to our laws, be peaceable, be well disposed, and you shall soon enjoy all the rights of American citizens.

That was the first covenant, the first binding agreement between the people of New Mexico and the United States. The people laid down their arms and in due season swore allegiance to the United States, and they have been peaceable, law-abiding, loyal, and good citizens ever since. That was the promise of General Kearny made in 1848 and yet the Senator from Ohio wants a little more deliberation.

New Mexico has applied twenty-one different times to be admitted into the Union and has been virtually admitted twice. Now, let us look at her resources, population, and qualifications to be admitted as a State into the Union.

POPULATION.

According to the testimony of witnesses that appeared before the committee of the Senate the population may be set down now at 300,000.

Mr. KEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. ELKINS. Certainly.

Mr. KEAN. I should like to ask the Senator from West Virginia if he is willing to take the same kind of admission at the present time.

Mr. ELKINS. No. I said virtually admitted by a vote of two-thirds in each body.

Mr. LODGE. Will the Senator accept a virtual admission now?

Mr. ELKINS. No; I will not accept it. You have deceived us too long. [Laughter.]

If this report can be relied upon, according to witnesses whom the committee called the Territory has 300,000 inhabitants. It has $300,000,000 of taxable property. It is the greatest sheep-growing State in the Union, having 7,000,000 sheep and 1,000,000 head of cattle. Its coal lands are almost inexhaustible. The area of New Mexico is 122,500 square miles or nearly 80,000,000 acres.

Mr. NELSON. May I ask the Senator from West Virginia a question?

Mr. ELKINS. Certainly.

Mr. NELSON. How do you make out that there are 300,000

people in New Mexico when according to the census two years ago there were not more than 195,000, I think, including Indians?

Mr. ELKINS. Mr. President, let us see how I make that out.

Mr. NELSON. That was two years ago.

Mr. ELKINS. One of the witnesses whom the gentlemen of the committee called—and he is an intelligent and an honorable man of the highest character; a good lawyer; loyal to his people; a Delegate in Congress—testified that New Mexico had 300,000. The governor testifies to it also; and it is a rule that you can not impeach your own witnesses, and do not try it here; you had better accept that; you ought not to try to impeach him anyway——

Mr. SPOONER. The Senator misunderstands. We do not expect him to impeach the witness——

Mr. ELKINS. Not at all. I will not do it, and I won't allow you to do it.

Mr. SPOONER. We impeach your witness, and the census does, too.

Mr. ELKINS. You called these witnesses; they are yours. You put your own witnesses on the stand, and now you seek to discredit them, that you may avoid your duty. That is not permitted in any court. It is one of the first principles of law.

Mr. HOAR. May I ask the Senator how a man could testify under oath as to the population of New Mexico?

Mr. ELKINS. Well, he did it, and gave convincing reasons why his testimony was true.

Mr. HOAR. I should like to inquire whether that is not enough to discredit anybody.

Mr. ELKINS. Not at all, a great many witnesses testified. But let me answer seriously. The census showed 195,000, and at the last Congressional election there were 60,000 registered voters. If you allow five persons to each voter that makes 300,000, but Delegate RODEY claims now 375,000 and gives good reasons for what he says.

The Territory has 3,000 miles of railroad; 800 miles were built last year. There are six States in this Union whose Senators are opposing this bill which have not 3,000 miles of railroad. I do not mean to cast any reflections on these States. I have not a word to say against them. But these and some other States have not improved as fast as New Mexico has improved as a Territory. If there is want of progress and development and these States do not go forward in improvement and population as others I am glad they furnish us great statesmen, broad and able men and keep them in the Senate and House and other branches of the public service to the benefit and glory of the great Republic.

According to population, New Mexico has the finest school system in the United States. The Territory spent $2,225,000 last year. The illiteracy of the Territory is sneered at, and it is said that the people do not speak the English language. They are learning it very rapidly. Does the Senator know that in Louisiana for nearly fifty years they had interpreters in the courts, and that the statutes of the State were published in French, and in one house, or in both houses, they conducted the proceedings in the French language?

According to population, there are more public institutions in the Territory of New Mexico than in many of the States in the Union. The senior Senator from California [Mr. PERKINS] has called my attention to the fact that for ten years in his State, after it was a State, the tax lists were published in Spanish.

Speaking the Spanish language should be no bar to doing the people of New Mexico justice, and admitting it as a State. We took these people and were pleased to have them as a part of the United States when all of them spoke the Spanish language—where now only two-fifths of the population speak Spanish. Language does not determine the character, loyalty, and worth of a people, or their qualifications for citizenship—especially those that have been conquered and annexed to our country without their consent.

I have the authority of the Delegate from New Mexico [Mr. RODEY] to state in this connection that New Mexico has 75,000 registered voters. This would make the population 375,000. Last year there were established 100 new post-offices in the Territory.

There are more churches according to population in New Mexico than in any State in the Union. A great many of them are Catholic.

Mr. KEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. ELKINS. Certainly.

Mr. KEAN. May I ask the Senator from West Virginia whether he makes that statement on the supposed population or on the real population?

Mr. ELKINS. About the churches?

Mr. KEAN. Yes.

Mr. ELKINS. I state that as a fact, and I do not think it can be contradicted. Every village has a church, and what is the best thing about it, everybody goes to church. There are a great many people who oppose the admission of this Territory who do not go to church. [Laughter.]

I state now, Mr. President, after a long residence in that Territory and an intimate knowledge of the facts, that the administration of justice compares favorably with any State or Territory in the Union. Three-fifths of the population are already Americans, coming from all parts of the Union, and many of them were born there. They are as good people as can be found anywhere within the United States. They are an intelligent, law-abiding, religious people. The remaining two-fifths are Mexicans. This shows how rapidly the Territory is becoming American. No race can withstand the Anglo-Saxon. The Latin races and the mixed Latin races give way before it. That was the case in California; it was the case in Colorado, and it is the case in New Mexico.

Of the two-fifths of the Mexican population they were born under our flag, and they are learning to speak the English language rapidly, as testified by the school system which they have established. Nearly one-half of the new counties which are formed and organized are English speaking counties. I will not stop to call them by name.

Now, Mr. President, a word as to the native Mexican citizens of New Mexico, so much misunderstood and about and against whom so much has been said in this debate. I lived for ten years amongst these people, and I take pleasure in bearing testimony to their good character as a people, as neighbors, as friends, as honorable business men, and as industrious and useful citizens of the great Republic. They are a religious and law-abiding people. I cherish for them a deep and abiding friendship; I owe them lasting obligations for favors received and honors conferred upon me when I most needed aid and encouragement, and which I can never forget. I will not desert them now in their supreme effort to emancipate themselves from Territorial bondage and insure for themselves and their children all the rights of full American citizenship, sacredly promised them under the treaty of Guadaloupé-Hidalgo. I would be ungrateful if I did not render them all the aid in my power.

The report of the committee is the strangest in many ways that was ever written or brought into the Senate. I do not want to do injustice to the distinguished Senator who is leading this opposition to the will of the majority of the Senate. He lays down a rule that New Mexico ought to have 1,125,000 people to entitle her to admission, on some theory that we required 60,000 population for admission when we had 4,000,000 people.

Mr. President, suppose we were to adopt the rule, and in the next twenty years or fifty years the United States doubles her population and New Mexico just falls short of doubling hers, then she could not be admitted though she might have more than 2,000,000 population. Then some Senator would rise in his place and declare she did not fall within this strange rule of the Senator from Indiana, and therefore not entitled to admission. A Territory could never be admitted under this rule, this new fangled theory, or notion, never invoked, never thought of or heard of before in the whole history of legislation in this Government. There were no such rules, as I shall show before I get through, ever adopted or hinted at until this effort to deny the people of the Territories justice.

Mr. President, let us look at the population of most of the States when they were admitted into the Union. Then the natural inquiry will be, Why deny to the people of the Territories what we have allowed to others?

New Jersey was an original State, but she had a population of only 184,139. New Mexico has, even according to the census, 195,000. I suppose if this Committee on Territories had been in existence then it would have ruled against that original State and would not have allowed her to become a part of the Union.

Louisiana had 152,923, Indiana had 147,178, and New Hampshire had 141,885. None of them came up to New Mexico.

Mr. SPOONER. Will the Senator from West Virginia allow me to ask him a question?

Mr. ELKINS. Certainly.

Mr. SPOONER. All the States the Senator has mentioned had a population sufficient to entitle them to a Representative in Congress, did they not?

Mr. ELKINS. I will mention some that did not.

Mr. SPOONER. Those which the Senator mentioned had a sufficient population to entitle them to a Representative?

Mr. ELKINS. Yes; I agree with the Senator, but some of the States had not; while Arizona has enough inhabitants now to entitle her to a Representative in Congress, and New Mexico has enough for two Representatives.

Mr. ALDRICH. Together they have.

Mr. ELKINS. I am not talking about the two together.

Missouri had 66,557; Wyoming had 60,705. There are plenty of Senators here in front of me and all around me who voted for Wyoming.

Delaware, when admitted into the Union, had 59,096; Illinois,

55,162; Nevada, 42,491; Tennessee, 35,691; Montana, 132,159; Alabama, 127,901; Nebraska, 122,993. Nebraska is a great State, and all of them are great States. I have nothing against these States, small or large. I am in favor of all the States. Arkansas had 97,574; Maine, 298,335; Vermont, 85,425. Now you are getting down to the ratio of representation. Georgia had 82,548, Mississippi had 75,448, Kentucky 73,677. The number is becoming smaller and smaller. Rhode Island had 68,825 inhabitants; California, 92,597; Colorado, 194,327; Florida, 87,445; Idaho, 84,385; Iowa, 192,214; Kansas, 107,206; Minnesota, 172,023; North Dakota, 182,719; Ohio, 45,365; Oregon, 52,465. This is a long list of States admitted with less population than New Mexico, and why make a new rule now against New Mexico and Arizona?

I am glad Rhode Island is in the Union, although it is not as large as the county in my State in which I live, but it is a tremendous factor in this Senate and Government. I want to say in the presence of the Senate and the country, I do not see how we could get on so well in legislation without Rhode Island. In the affairs of Government she and many of the smaller States exert a mighty and wholesome influence. If the rule contended for by the Committee on Territories set forth in their report were in force, it would exclude at least ten States if they were Territories from admission now and forever.

Mr. President, outside of our treaty obligations, outside of the pledges of our national conventions, outside of our obligation to treat these people fairly and justly and admit them, the simple reading of these facts and figures ought to carry this case.

I have made a comparison showing the increase in population after the admission of many of the States.

New York increased fivefold in eighty years, Pennsylvania increased sixfold in eighty years, Vermont increased 10 per cent in thirty years and 33⅓ per cent in eighty years. Let these Territories be admitted as States, and I am sure, and I am borne out by the facts, the increase will be greater than in any of the States the figures of which I am reading.

Delaware has only doubled its population in fifty years, Maine has a little more than doubled its population in eighty years, Rhode Island has doubled its population in thirty years, Arkansas has increased nearly one hundred times in eighty years, Indiana has only doubled its population in eighty years, Arizona increased thirteenfold in thirty years, and if we make a State out of it it will increase 26 fold in the same period. New Mexico increased its population threefold in a half century.

Mr. President, I will now read what I consider the true doctrine as set forth by a distinguished statesman in the Senate on the subject of the admission of Territories as States. I read from a report of the Committee on Territories, made by the Senator from Connecticut [Mr. PLATT] nearly twelve years ago when he was chairman, on the admission of Wyoming as a State. This is wholesome language. In this day and hour of attempted evasion, of finding new rules and how not to live up to our obligations, and how to keep people from their just rights, and to strangle and crucify justice, I wish Senators to listen to this language.

Mr. LODGE. Will the Senator kindly repeat the figures he named about Maine?

Mr. ELKINS. I will hand them to the Senator.

Mr. LODGE. What did the Senator state the figures were?

Mr. ELKINS. I think Maine doubled its population in fifty years.

Mr. LODGE. But when she was admitted?

Mr. ELKINS. Maine had 96,000.

Mr. LODGE. Maine had a population of about 355,000 when she was admitted.

Mr. ELKINS. Maine?

Mr. LODGE. Yes.

Mr. ELKINS. How has she lost it? I took these figures from data at hand. There may be a mistake. If the Senator shows that I was mistaken, I will agree with him.

Mr. LODGE. I think the Senator will find if he looks——

Mr. ELKINS. On the assurance of the Senator, who is generally so accurate, I will make the change in the figures, but on reflection I think the population was a little less than 300,000.

Mr. LODGE. Maine was set off from Massachusetts, and the Senator knows——

Mr. ELKINS. I am glad it was set off and made a State so that her people could better their condition by managing their own affairs in their own way.

Mr. President, I was about reading the report made by the Senator from Connecticut when I was interrupted.

Mr. PLATT, from the Committee on Territories, submitted a report, from which I read the following:

The Territorial system was adopted only as a matter of necessity, in order *that there might be some government* in an undeveloped and *sparsely settled* region. And whenever settlement and development make it possible for a people to sustain a State government, according to the principles of the Federal Constitution, the *Territorial government should be abandoned and the privileges of State citizenship conferred* upon its people. (From Senate Report No. 115, Fifty-first Congress, first session—to accompany S. 894, "A bill to provide for the admission of the State of Wyoming into the Union, and for other purposes.")

Tried by this rule—tried by any rule—these Territories should be admitted. The committee said again:

The committee is of the opinion that, with the stable and settled government which statehood will insure, the increase in population and development will equal that of Colorado and other Western States.

Wyoming had a very small population when that language was used. But listen to the Senator further. I like to dwell upon his language because it is statesmanlike and what we have been accustomed to in the past, and not like the report brought in here by a majority of the Committee on Territories, which is so new, so strange, and such a radical departure from practice and methods of the Government heretofore.

Kansas, Nebraska, and Colorado each with less than 100,000 people. Dakota will probably have 750,000 by the time her people get into the Union. There have been but few mistakes made in the admission of new States before they were qualified.

Then the committee quotes approvingly from Mr. Carey, then a Delegate and afterwards a Senator of the United States, which I will detain the Senate long enough to read in part:

This idea of equality of representation does not amount to very much under this Government. It is largely a theory. Representation has never been equal in actual operation. Nebraska, with her 1,250,000 people, has but three members of Congress. Mr. Dorsey represents no less than 78,000 voters. Mr. Perkins of Kansas nearly as many. Judge Symes's State (Colorado) may have gotten in a little while before she was entitled to admission, but that State cast nearly 92,000 votes at the last election. The young States, as a rule, are the ones that have suffered from the want of equal representation, and not the old States. Of all the legislative States there has been but one admitted too soon.

Mr. President, I quote from another distinguished statesman, Gen. Benjamin Harrison, then Senator from Indiana, who afterwards became President of the United States and left one of the greatest names in our history. He interprets what is our duty and lays down the rule as to the admission of Territories, going back to the ordinance of 1787, the provisions and effect of which have been so eloquently and ably discussed in the speech made in this debate by the junior Senator from Ohio [Mr. FORAKER], not answered yet by any Senator opposing this bill.

I read from Senate Report No. 15, Forty-ninth Congress, first session.

Senator Harrison, from the Committee on Territories, said:

The policy of the United States from the time of the adoption of the Constitution, and even before, has been to encourage the settlement of the public lands lying outside the boundaries of the States, and to organize the communities thus formed into States as soon as the requisite population was found within a suitable area. Territorial governments were always regarded as formative and temporary, to be superseded by State governments as soon as the necessary conditions existed. The vast domain acquired by cession from Virginia, by the treaty with Louisiana, and by conquest from Mexico has been carved into States, which have been admitted to the Union as fast as sufficient population was found therein. (Report to accompany S. 967, "A Bill providing for the admission of the State of Dakota into the Union and for the organization of the Territory of North Dakota.")

This is the rule that has been followed as to the admission of States from the beginning of the Government.

Again, General Harrison said:

We do not mean, however, to question the power of Congress in this respect. The power to expand the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation entitle it to admission.

Further on he said:

The ordinance of 1787 was a wise and beneficent compact. It guaranteed certain rights to the people who should settle the Western wilderness, and among the most valuable of these was the right to form a State government and to be admitted on terms of equality to the Union of the States. The hardy men and women who pushed back our frontier and developed the vast resources of the West were to be also builders of States. We do not stop to discuss at any length the question whether one of these States, contemplated by the ordinance of 1787, could become de jure de facto a State without the sanction of Congress. The existence of a State is a political fact and involves the admission of its Senators and Representatives to the Congress of the United States. Again, by the terms of compact the right of admission as a State was upon the condition that "The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles." Congress must judge whether these conditions have been complied with.

He said that these questions were within the discretion of Congress, but like every discretion exercised by any tribunal or body having power, administrative or judicial, the discretion must be exercised soundly, wisely, and reasonably.

He adds:

We have no doubt that there are other questions involved in the admission of a State which must be submitted to the enlightened and unbiased judgment of Congress. Some of these will be considered in another part of this report. But the judgment and discretion of Congress must be a fair and impartial judgment and a wise discretion, having reference only to the public welfare and to the right of the people of these new communities to a full participation in the privileges of citizenship.

Mr. President, in setting forth the rule as to the admission of States I know I have gone over ground treated much more ably by the Senator from Ohio [Mr. FORAKER]. I can add nothing to what this distinguished Senator has said in this debate.

TREATY OBLIGATIONS.

Mr. President, apart from all these reasons, which should be ample and sufficient for the immediate admission of the Territories, I hold that there is another reason, and an unanswerable one, stronger than all others. It is the obligation laid upon the United States by the treaty of Guadalupe Hidalgo, proclaimed July 4, 1848, under which New Mexico, Arizona, and other territory was acquired, set forth in the ninth article. I wish the serious attention of Senators to this article of the treaty, because I believe that this Government has violated it in so long denying to the Mexicans in New Mexico and Arizona statehood.

ARTICLE IX.—The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic——

That is, who shall become citizens of the United States? The Mexicans who shall elect to become citizens of the United States, as they were invited to do by General Kearny and by this treaty—

conformably with what is stipulated in the preceding article, *shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States)* to the enjoyment of all the *rights of citizens of the United States*, according to the principles of the Constitution—

Mr. SPOONER rose.

Mr. ELKINS. The limitation there as to time is left to Congress. I will hear the Senator.

Mr. SPOONER. The Senator did not read the last part of that with sufficient emphasis, I thought.

Mr. ELKINS. I will read it with more emphasis—

to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

Mr. President, this was a promise—it was a pledge, made by one Republic to another, affecting the rights of individuals. To whom was it made? It was made to the Mexicans then living in New Mexico who elected to become American citizens. The promise is definite and explicit in terms. Both this Government and the Republic of Mexico said to these Mexicans, "those of you who become citizens of the United States and remain in this Territory *shall be admitted into the Union.*" When? At the time to be judged by Congress. Now, if Congress waits until these Mexicans die, and nearly all of them have passed away, has the United States kept its pledge? It is true Congress is to be the judge of the time, but if Congress waits until these Mexicans all die, then it can't keep the treaty obligations. The full meaning and intent of the treaty-making powers was that Congress *should admit these* very people into the Union, and it has refused to do it and continues to violate the promise even to their children and the Americans who have gone into the Territory. Congress should have exercised its discretion long ago. The leading statesmen of Mexico have always felt that the United States has failed to carry out the obligations of the treaty in regard to admitting these people into the Union as a State.

Mr. HOAR. May I ask the Senator a question? I understand the Senator's argument to be that that was a promise to the men then living, and therefore if we do not admit the Territory as a State until all the men then living are dead we violate the promise. Now, if that be a sound argument, was it not just as much a violation of the promise to permit one of them to die before we admitted the Territory?

Mr. ELKINS. No, Mr. President, it is not. Nations do not act in that way. That is a very narrow view to take of this great question and treaty obligation, with all due respect to the Senator from Massachusetts.

The Republic of Mexico has been sensitive regarding this matter for fifty years. There were nearly 100,000 people in New Mexico at that time. They were told to be loyal; they were asked to transfer their allegiance from Mexico to this country; they were urged to peaceably come under the flag of the United States, and, as an inducement, these people—religious, church-going, law-abiding, and loyal people—were promised statehood. They believed in this promise, it was an inducement, and they believed it would be kept and very soon they would become in truth and in fact part of the great Republic, with all the rights of American citizens.

And to-day the Senator from Ohio [Mr. HANNA] and the Senator from Indiana [Mr. BEVERIDGE] want more time to deliberate, and think they hear the distant rumblings of opposition to the admission of these Territories.

Mr. President, I think that longer delay is unnecessary. I think that the promise made to these people should be kept; and I am sorry to say I do not think it has been kept by my Government. When these people came to us they had to give up their native country, its institutions and associations; they had to divorce themselves from everything that was near and dear to them; they had to learn another language and associate with another people, but they were pleased with the idea of liberty and becoming a State in the American Union, and this was their compensation for so radical a change; but they went to their graves with this promise unkept, and their children, and those who have survived, continue in a state of Territorial bondage, enjoying now none of the substantial benefits of American citizens.

Let me tell the Senate that when the Union was in peril, although New Mexico is situated far south and was surrounded by the Southern Confederacy, yet three regiments came forth from her hills and valleys to defend the Union and risked their lives to save it. They were good enough citizens to fight for the Union but not good enough to be admitted into the Union. When the Spanish war came on they went out to battle under the gallant lead of the present President of the United States against their own kith and kin; and now, forsooth, these people are told that because they can not speak English and for other unfounded reasons they must wait. If this effort to admit New Mexico and Arizona into the Union should fail, I shall despair of the United States keeping its promise.

Mr. President, I have thus briefly, but imperfectly, I know, tried to set forth the case of the people of New Mexico on the question of admission as a State into the Union. I feel I have not done the subject justice. One reason, I have not had the time; but my heart is in the cause, and my sympathy is with the people of New Mexico in their effort to obtain justice so long delayed. As I understand the situation, having lived in New Mexico for a long time, I believe I am more competent to judge of the true status of affairs there and the character of the people and their fitness for statehood than is a committee of the Senate that flitted through the Territory in a palace car, looking from its windows, and who spent perhaps only three days there in calling a few witnesses, and then come to the Senate with a report which I think does these people injustice.

Take the Delegate in Congress, take the governor, the business men of New Mexico, take their leading men, lawyers, editors, and clergymen, all favor admission, and their judgment should have great weight Nothing can be truthfully said to the detriment of the people of the Territory.

To delay the admission of New Mexico until the Mexicans and their children die, and the entire population becomes American, it seems to me, would be the rankest injustice.

The bill before the Senate should pass. Reason and justice demand it, the people of New Mexico desire it, the House passed it unanimously, and a majority of the Senate stands ready to vote for it.

The Philippine Coinage Bill.

SPEECH

OF

HON. WILLIAM A. JONES,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 21, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 15320) to establish a standard of value and to provide a coinage system in the Philippine Islands—

Mr. JONES of Virginia said:

Mr. CHAIRMAN: The bill now under consideration is radically and fundamentally different from that which is to be offered as a substitute by the minority of the Committee on Insular Affairs. This bill declares that the gold dollar of the United States shall be the standard unit of value in the Philippine Islands, and it also provides for the coinage, under the authority of the Philippine government, of a coin to be known as the Philippine peso, which is to contain 416 grains of silver. It also provides that these silver pesos shall be exchangeable for a gold dollar at the rate of two pesos for one dollar. The lawful money of the Philippines is to consist of the gold coins of the United States, these silver pesos, and the subsidiary silver provided for in the act of July 1, 1902.

The radical difference, therefore, between this bill and that to be offered by the minority is that the minority bill provides that the lawful money of the United States shall be the lawful money of the Philippine Islands. It will be observed that the committee bill declares that the only United States money that shall be lawful money in the Philippine Islands is our gold coin. If this bill is enacted into law, the money of the Philippines will be the gold coin of the United States, the silver pesos coined thereunder, and the subsidiary silver coins provided for in the act of Congress of the 1st of July, 1902. This bill places no limitation upon the amount of the silver pesos which the Philippine government may coin, and I also call attention to the fact that the government is given unrestricted authority to purchase the silver bullion out of which these pesos are to be coined in unlimited quantities. It may be

purchased in any of the silver markets of the world. The Philippine government may, under the terms and provisions of this elastic measure, coin either 1,000,000, 100,000,000, or even 500,000,000 of these silver pesos.

In other words, this is an unlimited silver-coinage measure. If it does not provide for the free coinage of silver in the Philippines, it does provide for a silver coinage the amount of which is only limited by the discretion of the Philippine government. The Mexican and Spanish pesos which now constitute the lawful money of the islands are to be retired, and yet no provision is anywhere made in this bill for their recoinage or other disposition. The silver which they contain is not to be utilized in any way. In other words, Mr. Chairman, this bill provides that two Philippine pesos, containing 832 grains of silver, nine-tenths fine, shall be exchangeable for and equal to one United States gold dollar. The monetary ratio between gold and silver is to be practically 32 to 1, although the commercial ratio is even greater, so that these silver pesos, two of which are not intrinsically equal to an American gold dollar, will be to a certain extent at least token or fiat money.

I have heard but three reasons advanced for this extraordinary, anomalous, and unprecedented legislation. One is that the units of value in the Philippine Islands ought to be smaller than those in the United States, since the transactions in those islands are upon a smaller scale than they are in the United States; that labor and commodities are cheaper there than in the United States.

Another is that if the United States coinage system were extended to the Philippine Islands the inducement to counterfeit the American silver dollar would be very great; that inasmuch as these pesos, or 50-cent dollars, are to contain even more silver than the United States 100-cent dollar contains, the inducement to the counterfeiters of the Orient to counterfeit them would be less than it would be to counterfeit the lighter coins of the United States.

The third and last argument which I have heard advanced in favor of this silver peso is that the money of the United States would not remain in the islands if it went there; that it is absolutely necessary to have a distinctive Philippine currency in order to keep it in the islands.

Mr. Chairman, I think it will not prove a difficult task to answer these propositions.

The first argument reduced to its last analysis is simply this: That there are certain interests in the United States behind this measure which do not, for reasons of their own, desire to see the price of labor enhanced in the Philippine Islands. You will observe that this Philippine peso is to contain exactly the amount of silver that is contained in the Mexican and Spanish peso now in use; that it is to be of exactly the same size and shape, so that the ignorant Filipino, accustomed to Spanish and Mexican pesos, and representing dollars, will, it is hoped and believed, not be able to distinguish between the pesos they have been accustomed to and these new pesos, which are designed to take their place, but which in reality are only worth 50 cents. To them all pesos, it is believed, if of the same weight, shape, and size, will be received without discrimination, even though one of one kind may be exchangeable at a bank for two of the other kind.

The advocates of this system put it this way: They say that if we should extend the monetary system of the United States to the Philippine Islands it would suddenly enhance the price of labor to double what it had theretofore been; that if we send there a United States silver dollar containing practically the amount of silver in the pesos in circulation there, a little less rather than more, but which is worth 100 cents everywhere, the Filipino laborer will not be willing to give in exchange for it double the amount of labor which he has been accustomed to give for a Mexican or a Spanish peso, and that therefore they would be obliged to pay twice as much for their labor as they are now paying, which, they affirm, would demoralize and upset the labor market in those islands. But, state it as they may, the purpose of those who are behind this proposition must be apparent to every intelligent and well-informed mind. It is to prevent any rise in the price of labor incident to a change in the monetary system. The introduction of American money would, it is thought, double the daily wage of the laborer. The laborer who now receives the munificent sum of 10 cents a day would, if paid in American silver, they fear, receive 20 cents.

It will be recalled by members of this House that it has not been long since the Congress of the United States extended its monetary system to the island of Porto Rico, and it will also be recalled by those of you who gave attention to the discussion which took place at that time that the very objection now urged to the extension of the American currency to the Philippine Islands was urged to its extention to the island of Porto Rico. It was then contended that it would enhance the price of labor and thus greatly disturb business conditions in that island. Gentlemen appeared then before the Insular Committee and urged precisely the same objection to the extension of American money to the island of Porto Rico that they are now urging to the extention of the American system to the Philippine Islands. And yet that bill was enacted into law, and the predictions then so freely made have never been realized. But, Mr. Chairman, for one I should not greatly object to an increase in the rate of the wages now paid the poor Filipino laborer.

I think that if it were not for the fact that certain gentlemen in the United States are anxious for this particular legislation, anxious for it for the reasons I have assigned, we would never have heard of this remarkable measure in this House. So far as I have been able to discover, there is no precedent to be found for it in the legislation of any civilized country on the globe, unless it be found in the new system recently adopted in the Kingdom of Siam, and which, I believe, went into effect on the 1st day of January last. The British system in vogue in India is different in material respects.

There is not much, I think, in the counterfeiting argument. There are just as skillful counterfeiters in the United States as can be found in the Orient, and the inducement to counterfeit American silver coins, if carried to the Philippines, would be no greater than is the case now in the United States.

Those who think our silver coinage would not remain in the Philippines, and for that reason oppose its introduction there, are the advocates of a cheap or inferior silver coinage for those islands, a coinage the parity of which with gold would, on account of its inferiority, be the more difficult to maintain.

The distinguished chairman of the Committee on Insular Affairs, who has just addressed the committee, has presented, so far as I can discover, but one argument in favor of this measure. He tells us that Governor Taft, who, he says, is universally recognized as the best informed person as to conditions in the Philippine Islands; that Mr. Peabody, who, he also tells us, is a very important man, and the head of one of the greatest mercantile concerns in the United States; and that Mr. Conant, a member of a trust company in the State of New York, I believe, and who he declares is universally recognized as one of the ablest financiers in the world, have all advised this legislation. Whenever the gentleman is questioned as to the necessity for and the propriety of this proposed legislation, we are told that Governor Taft and Messrs. Peabody and Conant approve it.

Mr. Chairman, it seems to me that if we have only to ascertain the wishes of Governor Taft before we set about legislating for the Philippine Islands, we have wasted much valuable time with the public hearings which for weeks have occupied the Committee on Insular Affairs, and that instead of attempting to inform ourselves as to the needs of the islands and the peculiar conditions existing there in order that we may legislate intelligently for them, we should simply confer the power and authority to close upon the Philippine government and make Messrs. Peabody and Conant its legal and financial advisers. If we are not to exercise our own judgments, but must follow blindly the advice of others, whether it meets our approval or not, then let us confer absolute legislative power upon Governor Taft and his associates and put an end to this farce.

Mr. Chairman, I freely admit that Governor Taft is a gentleman of unusual ability; I concede that he feels the deepest interest in the welfare of the Philippine people; I believe him to be a gentleman of high character and of unquestioned integrity; but I am not willing, even conceding this much, to say that it is the duty of the Congress of the United States to abdicate its powers and functions in his favor and to confer upon him the authority and duty of providing a coinage system for the Philippine Islands. No money other than that specified in this bill is to be legal tender in the islands. The gold coins of the United States alone of all our money is to be legal tender in the Philippines. Neither the gold certificates, the United States notes, nor the silver dollars of the United States are to be receivable in the payment of public and private debts there.

So that a citizen of the United States going to the Philippine Islands and taking with him only lawful money of the United States would find himself, when he reached there, although upon territory belonging to the United States, and part thereof, with money which was not legal tender there and with which he could not discharge any obligation, public or private, should it be refused. To state a proposition so remarkable and anomalous as this, is to domonstrate its absurdity. We are asked to discriminate against our own money in our own territory.

I know, Mr. Chairman, that the distinguished gentleman who has just addressed the House would say in reply to this that it would be easy to take the United States money to a bank and there convert it into or exchange it for Philippine currency. But the same might be said with equal truth of the currency of Great Britain, France, or Germany, or of that of any other great nation.

The gentleman from Wisconsin said, in reply to a question from

me as to whether or not his system was to be the permanent system of the Philippines, that in his opinion it would be there for a long time to come. I called his attention then to a question which he propounded on the 14th of January, 1902, to Mr. Conant—a question carrying with it the suggestion that this was only intended as a temporary measure—and Mr. Conant's reply that the measure was merely to be such.

Mr. HILL. To be substituted afterwards by American money.

Mr. JONES of Virginia. To be substituted after a while by the American currency, which the minority of the committee contend should go there now.

I now call the gentleman's attention to the testimony of Mr. Peabody upon this subject. He will not question the testimony of this witness, I am sure—a witness so highly commended by him and one whose testimony he has so often quoted from. Mr. Peabody expressly said that his purpose in advocating this bill was to provide a permanent currency for the Philippine Islands. The gentleman is not sufficiently frank and candid to tell the House what may be his opinion as to this.

Mr. Chairman, the proposition of the minority has this additional advantage.

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Wisconsin?

Mr. JONES of Virginia. Certainly.

Mr. COOPER of Wisconsin. I heard the gentleman remark that I was not sufficiently candid in telling what length of time the system would remain in the islands. I said, in my opinion, it would remain there for many years. Of course I was not prepared to say that it was permanent.

Mr. JONES of Virginia. The gentleman knows that in response to a question from him, or some other minority member, I think it was the gentleman from Wisconsin, that Mr. Peabody, whose opinion he seems to rely upon, stated that it was his understanding that the system here provided for was to be the permanent system of the island. Conant says one thing and Peabody another, and the gentleman from Wisconsin is noncommittal on this point.

I was about to say when interrupted that another advantage to be derived from the extension of the American system to these islands at this time is that if we intend to retain them permanently, our system already being there, we shall not have to supplant any other and different system. We will not have to adjust differences between creditor and the debtor and to redeem at great loss to the United States the supplanted currency. If, on the other hand, the policy which the Democratic party has always advocated shall in the end prevail and we shall withdraw from the Philippines, no complications can arise from our having introduced there the lawful money of the United States. It could make no difference to us whether it remained there or whether it came back along with our sovereignty; so that no matter whether we hold the islands permanently or temporarily, the proposition emanating from the minority offers the best, the simplest, and the most feasible solution of this proposition.

The chairman of the committee said, and I think he did not sufficiently consider his statement when he made it, that the minority had not only presented their measure subsequent to the reporting of his bill, but that the minority actually had nothing before the committee when the report was ordered. It is true, Mr. Chairman, that the bill which the minority will offer as a substitute for the committee measure was not introduced into the House until after the report had been made by the committee. It is also true, and I think I may be permitted to make the statement, in view of what the gentleman has already said, that many of the meetings of the committee held prior to the making of this report were executive sessions where there were present only Republican members. The meeting at which the bill was reported was, of course, a meeting of the full committee.

Mr. COOPER of Wisconsin. Mr. Chairman——

Mr. JONES of Virginia. Wait a minute. On that day a member of the minority, my colleague from Tennessee [Mr. PATTERSON], distinctly stated that the minority proposed to extend the American coinage system to the Philippines, and I gave notice that it was the intention of the minority to formulate and present their views in writing.

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Wisconsin?

Mr. JONES of Virginia. I do.

Mr. COOPER of Wisconsin. Do I understand the gentleman to say that most of the meetings held on this bill were by the majority members?

Mr. JONES of Virginia. The gentleman, if he understood me correctly, understood me to say that many of the meetings held just prior to that at which the bill was reported were meetings of the Republican members. The very day before the bill was reported I went to the committee room myself and was informed by the doorkeeper that the Republican members were in executive session. I know that many of the early meetings were open meetings. All the meetings, I presume, where there were hearings were open meetings.

Mr. COOPER of Wisconsin. Will the gentleman permit me to tell him what the fact is? I have just consulted the secretary, and he says that we had only one meeting of the Republican members. Every other meeting was called of all the members, including the gentleman from Virginia.

Mr. JONES of Virginia. Of course, Mr. Chairman, I accept the gentleman's statement. I understood there were more, but however that may be, the one executive meeting was the important meeting. That was the meeting at which the bill was formally agreed upon. That was the meeting at which it was ordered to be reported, and when the Democratic members were called in we were confronted with this bill as the perfected measure, and not having, for want of opportunity, prepared and formulated our views, we could only announce it as our opinion that the coinage system of the United States should be extended to the Philippine Islands, and give notice to the majority that later on our views would be reduced to writing and presented in the House.

Mr. McDERMOTT. Mr. Chairman, will the gentleman yield for a question?

Mr. JONES of Virginia. Certainly.

Mr. McDERMOTT. The bill now before the House provides for the demonetization of what is known as the Mexican dollar, which was sent to the Philippine Islands as a matter of bullion export?

Mr. JONES of Virginia. And the Spanish peso also.

Mr. McDERMOTT. It provides for the demonetization of those two coins so far as the Federal Government is concerned on the 1st of next December, and so far as private contracts are concerned on the 1st of June, if I recollect right. What is to be done with that Mexican money?

Mr. JONES of Virginia. So far as I can discover, there is absolutely no provision in regard to it in the majority bill. The Philippine government is not authorized to recoin it. It may, I suppose, pile it up in the vaults of its treasury. Perhaps it might be sold as old junk.

Mr. McDERMOTT. Then, under this bill you would have this anomaly; you would subtract the token value from this coin so far as private debts are concerned, and yet continue the token value for six months for the payment of duties; and then you would leave it in the islands to be regulated at its bullion value; and it would necessarily pass among the people at its token value until they had been educated to the fact that that token value had been extracted.

Mr. JONES of Virginia. In the meantime the people who had gone out there to exploit the islands, and who desired to employ the natives, would be paying them off in this Spanish and Mexican silver, worth, say, 35 cents on the dollar.

Mr. McDERMOTT. That proposition, if carried out, would necessarily lead to a revolution in those islands. No people on earth could stand such a measure as that. I have asked the chairman of the committee personally whether that difficulty is to be met in any way at all, and I am informed it is not.

Mr. JONES of Virginia. This is unquestionably a most serious objection to the bill of the majority. Possibly it was an oversight on the part of the framers of the measure.

Mr. McDERMOTT. Does the bill reported by the minority provide for that exigency?

Mr. JONES of Virginia. It does in express and in explicit terms. We provide for the redemption and recoinage of all the silver now in circulation, and we provide, too, the method by which debts, public and private, may be discharged. I believe our provisions on this subject to be as nearly just and reasonable as could be devised.

Mr. McDERMOTT. You continue this token value until there is a fair opportunity for recoinage?

Mr. JONES of Virginia. Yes.

Mr. McDERMOTT. Without such a provision, business can not be conducted in those islands.

Mr. JONES of Virginia. The interests of those natives who dwell hundreds of miles away from Manila are amply protected in our bill. The interests of both debtor and creditor are, in our judgment, fully protected.

Now, in conclusion I want to say that we have extended the American coinage system to the island of Porto Rico; we have redeemed the Spanish pesos that theretofore circulated in those islands. We have redeemed them at the rate of 60 cents for 1 peso; and I have never heard that any great disaster or financial trouble resulted from our action in that instance. I do not believe for a moment that any serious trouble would follow as a

result of the adoption of a like policy in the Philippine Islands. I have listened to and carefully considered all the testimony that has been adduced before the Insular Affairs Committee bearing upon this point. I have heard nothing to make me think for a moment that such would be the case.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has occupied thirty-eight minutes.

Mr. GAINES of Tennessee. I regret to say I have not heard all the gentleman's speech. Before he resumes his seat, I should like to know if he can give the committee the reason there is so great a disparity between the local silver money over there and our gold and silver money. In other words, have not the bankers very largely brought about that condition?

Mr. JONES of Virginia. I have not a doubt, Mr. Chairman, but that the banks are largely responsible for it; and I have not a doubt that they have profited by it more than anybody else. That the rate of exchange has greatly fluctuated from time to time is, however, only too true, and I am ready to concede that there should be some legislation having for its object the stabilization of the ratio between gold and silver in the Philippine Islands. I do not believe there is any means under the sun by which this could be so quickly, so permanently, and so successfully accomplished as could be done by the extension of the American coinage system to those islands. If that system is good enough for the people of the United States, including Hawaii and Porto Rico, it ought to be good enough for the inhabitants of the Philippines, it seems to me.

Mr. GAINES of Tennessee. What has been done to prevent the banks from thus demonetizing this money?

Mr. JONES of Virginia. Nothing, so far as I know.

Trusts.

SPEECH
OF
HON. A. P. GARDNER,
OF MASSACHUSETTS,
IN THE HOUSE OF REPRESENTATIVES,

Friday, February 6, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. GARDNER of Massachusetts said:

Mr. CHAIRMAN: Our friends on the other side of the House charge the Republican party with the fact that the number of trusts created since the inauguration of the Republican President in 1897 has vastly increased. I do not think that anyone can deny that fact, but at the same time I think it well to bear in mind that the number of soup houses in the same period has not only vastly diminished but disappeared entirely, so that the rising generation in my State will hardly remember the time, not so long ago, when the very poor of Boston had to be fed at the public expense.

Famine, after all, is a more malignant evil than the combination of capital; so in casting up the account against the trusts I think that an item should be placed to their credit in view of the fact that there is no longer famine in the land.

I do not wish to be understood as saying that the increase in these large aggregations of capital has been the entire cause of the disappearance of the soup house; but I am strongly of the belief that it was the existence of these same combinations which permitted us to break so extensively into foreign markets, and there is but little doubt that the beginning of the present era of prosperity can be traced to the time when our foreign trade so unexpectedly expanded.

It is now over two hundred years since Oliver Goldsmith wrote the Deserted Village. You all remember how he bewailed the fact that "Trade's unfeeling train usurped the land and dispossessed the swain." You can also remember how he prophesied the consequent destruction of the British peasantry and predicted the speedy downfall of Great Britain. None of these things happened, but, on the contrary, Great Britain has increased continually in wealth and power and in the average condition of her poorest inhabitants.

I am not one of those who believe that these large combinations of capital have sapped, or are likely to sap, the vitality of this country. I can not shut my eyes to the fact that the prosperity of the poor and rich alike is far greater now than at any time during my life, but I feel that the time has come when it is fair to ask the question whether or not the advantages of this increased prosperity are being fairly divided among the people. In other words, are the trusts getting more than their fair share of the increased affluence of the nation?

I am inclined to think that they are, and I am inclined to think that the measure which we are now considering is the very best means conceivable at present for equalizing the balance of profits.

I am far from maintaining that experience will not show that further steps are advisable, but it seems to me the part of wisdom to enact the legislation now under consideration and watch results. I fully believe that the bill which we are now discussing will once more reestablish an opportunity for competition to men of small capital in the industries which are now wholly or in part controlled by trusts.

The indictment against the trusts in the minds of the American people consists of three counts:

First. That the present state of affairs is a source of discouragement to ambitious young men of small means. Formerly a young man working for a fair wage could look forward to the time when he might either have saved enough or borrowed enough to set up in business for himself and become his own master. It can not be denied that such opportunities are relatively rarer than heretofore in all the industries on which the trust has laid its hands.

Now, the sentiment which impels a man to efforts to become his own master is neither more nor less than the sentiment for liberty, which has been such a powerful factor in the affairs of this nation. If the fruition of that ambition is to be curtailed I can not but feel that troublous times are in store for this nation; but I believe that free competition can once more be established and that opportunities closed in the last decade can be reopened to men of small capital by the enactment of such legislation as we are contemplating.

I believe that the weapon which the trusts have employed the most for the discomfiture of the competitor with small resources is the railroad rebate: so, if we stop these rebates on freight charges, we shall deprive the trusts of their most powerful and also their most illegitimate weapon.

Publicity is a good thing in itself. It has an additional virtue as a means of enlightenment. The information which we gain from the publicity required under this law will serve as a basis for intelligent legislation in the future if the present legislation requires amendment, as it undoubtedly will. But publicity does not strike at the root of the matter. The sections of this bill dealing with the question of rebates strike exactly at the root, and the one question in my mind is whether or not this legislation is sufficiently drastic absolutely to prohibit these rebates. Time alone will show.

The second count in the indictment against the trusts is that such a concentration of power in the hands of a few men is not in accordance with the principles of true democracy. I am thoroughly in sympathy with that idea, just as I am in sympathy with those who deplore the tendency of men to flock to great cities, where the conditions of life are neither so moral nor so healthy as in the country. Nevertheless, I recognize the fact that the hands of the clock of time can not be turned back. I recognize the fact that this concentration of power is going on every day around us. It is the result of the railroad, the street railway, the telegraph, and the telephone. These utilities have made gigantic combinations possible, and the concentration of power in the hands of a few is a phenomenon quite as apparent in the case of labor organizations as in the case of trusts. It permeates all walks of life.

The third count in the indictment is the contention that trusts can raise or lower prices at will, and are guided in their charges by no economic law other than the limitation of the purchasing capacity of the people. I do not believe that all trusts can raise or lower prices at will. I believe that trusts which deal in the great staple products, such as the sugar trust, the steel trust, the leather trust, etc., are governed by the laws of competition or potential competition, just as much as the individual manufacturer or dealer of thirty years ago. But I believe that certain other trusts, founded on natural or acquired monopolies, can raise or lower their prices in such a way as to procure the maximum profit without considering the possibilities of competition. In this class I include the American Ice Company, a company whose existence, if I am correctly informed, is contingent on the limited docking facilities of New York. I instance this trust, not because it is a well-known Democratic trust, but because it is typical of the kind of combination which can raise or lower prices at will.

To anyone who reads the signs of the times it must be evident that the State must control the trusts or the trusts will control the State. If the trusts were to control the State we should have a plutocracy, a form of government which recorded history

shows to have failed in every instance. If, on the other hand, the State were to find that she can not control the trusts under their present ownership, the danger is that the people in their indignation may determine to assume the trusts and thus become both landlord and capitalist. That is socialism with all its doubtful blessings and certain evils. I do not believe that the American people want either socialism or plutocracy. I believe that they are determined to control the trusts, and woe betide the party to which I belong if, in the zenith of our power we fail to enact efficient legislation to this end.

With the cooperation of the State assemblies the legislation before this House will prove itself efficient. The prevention of rebates will at once give a competitive standing to the man of small means. He will, of course, continue to suffer the disadvantage that retail production rests under as compared to wholesale; but, on the other hand, he will have the immense advantage which comes to the man who is constantly looking after his own affairs. He will still be obliged to face the competition of unlimited resource, but he will always have the advantage of being on the spot, watching every dollar that goes out and comes in, while the trust must avail itself of the services of hired agents of varying capacity and varying degrees of fidelity.

It is on competition that this country has been built up. The new-fangled theory that the competitive system has passed away is not worthy of consideration. Without competition there is no progress. It can and must be reestablished, for it is the ordeal of fire in which inflated prices are consumed.

The question naturally presents itself as to whether this legislation, if it had been enacted five years ago, would have prevented the deplorable situation which existed in the anthracite coal fields last summer. I am free to confess that I do not believe that it would have done so. The situation in the anthracite fields arose out of circumstances, partly the creation of the laws of Pennsylvania, and entirely within the jurisdiction of the legislature and the courts of that State. On the one hand there existed a more or less perfect monopoly of capital consequent on the ownership by the railroads of large coal properties. On the other hand there existed a more or less perfect monopoly of labor owing to the existence of the miners' license law, enacted in Pennsylvania some years ago. The first of these quasi monopolies, if it exists as alleged, exists in defiance of law. The second monopoly exists in consequence of a law whose wisdom has often been questioned, but which I forbear, owing to confessed ignorance, from criticising. At all events the situation is entirely in the hands of the State government and courts of Pennsylvania, and the United States, under its compact with the several States of this Union, has no right or power to interfere.

Anyone who has given this matter any thought can not fail to see that the bill before this House must be followed by similar legislation in the various States of the Union. It is in the power of those State legislatures by their cooperation to make this law a success. It is also in their power to make it a failure.

The Life and Character of the Late Hon. John L. Sheppard.

REMARKS

OF

HON. JAMES R. WILLIAMS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOHN L. SHEPPARD, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. WILLIAMS of Illinois said:

Mr. SPEAKER: It was not my pleasure to know Mr. SHEPPARD till he entered the Fifty-seventh Congress. However, he was one of the new members with whom I early became acquainted, and who impressed me from the beginning as a gentleman of stern integrity, sound judgment, and exalted manhood, and a more intimate acquaintance confirmed my first opinion. He was what I should consider a self-made man. Being left an orphan at the tender age of 6 years, and amid circumstances rather adverse, he was not surrounded with opportunities for acquiring knowledge and achieving greatness, but was compelled to make them. With a strong mind, a laudable ambition, and studious application, he entered upon life's early problems with an earnest determination to succeed. By good management and a judicious use of the spare time he could snatch from his duties upon the farm he obtained a very thorough common-school education, to which he subsequently added a wonderful store of useful information by miscellaneous reading. Considering his limited advantages, he soon became well equipped for his chosen profession. Scarcely had he established himself in the practice of law until he was elected prosecuting attorney, and so successfully did he discharge the duties of this office that after holding it a few years he was promoted by the people to the more exalted position of district judge.

Here he soon displayed such a high order of judicial attainments as to distinguish him as one of the ablest jurists on the bench of Texas. For eight years, and by the repeated elections of his people, he continued faithfully and ably to discharge the duties of this high office.

Two years later he was elected to the Fifty-seventh Congress, and, although his term of service in this body was comparatively short, it was long enough to further strengthen him in the confidence and affections of his people and the respect and admiration of his colleagues upon this floor. Mr. SHEPPARD was very modest in the discharge of his Congressional duties, but his opinion and counsel on public questions clearly showed that he had carefully studied them with the mind of a master. He was a man with strong convictions on economic subjects with the ability and courage to express them. He was that kind of a Representative in this House who would have grown into substantial favor, and whose wise counsel in legislative proceedings would have been accepted as safe and sound.

If death had only spared him to his people and his country he was destined to become one of the most useful members of this body. The great State of Texas, so ably represented at the national capital, has manifested no weakness in her wise statesmanship by electing to the American Congress her illustrious son to whose worthy memory we now pay this humble tribute of respect. Mr. SHEPPARD seemed to possess many of the noble attributes of a noble man. A kind citizen, a devoted husband, an affectionate father, a successful lawyer, an able jurist, and a distinguished statesman were the crowning glories of his short but eventful life. As so fittingly expressed by one of his colleagues—

Mr. SHEPPARD is not dead, but still lives—

Lives in his brilliant services to his country, lives in the love and admiration of his people.

And no more deserving tribute could have been paid to his memory than to elect as his successor his own brilliant son, whose wise philosophy and charming eloquence in this House of Representatives have already added new laurels to the honored name of his illustrious father.

On the Mount Rainier National Park, in the State of Washington.

SPEECH

OF

HON FRANCIS W. CUSHMAN,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 11, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes—

Mr. CUSHMAN said:

Mr. CHAIRMAN: I offer the following amendment, which I send to the Clerk's desk to be read:

The Clerk read as follows:

For the management, protection, and improvement of Mount Rainier National Park, construction of roads, bridges, fences, and trails therein, and the improvement of existing roads, $21,000, to be expended under the supervision of the Secretary of the Interior: *Provided*, That the surveys for roads and the work of construction thereof shall be performed under the supervision of an engineer officer of the Army, to be detailed for that purpose on the request of the Secretary of the Interior.

Mr. CUSHMAN. The question of making appropriations for the protection and improvement of the Mount Rainier National Park, in the State of Washington, has been heretofore discussed in rather a hasty manner on this floor. There have been so many peculiar misstatements made in relation to this matter heretofore that it is my purpose to-day to put before this committee and into the CONGRESSIONAL RECORD the exact facts in relation to this park, when and how it was created, the extent and character of it, and what the Government has heretofore done, or rather what it has not done, in relation to the protection and improvement of this splendid national pleasure ground.

From the date of the passage of the act creating this park, March, 1889, there has never been a line of legislation enacted or

a penny of money appropriated therefor. I have on several occasions heretofore endeavored to get an appropriation made for the improvement and protection of this park, but the Government up to this date has never deigned to soil nor sully the natural beauties or the superb scenery of this nature's wonderland by anything so sordid and earthy as an appropriation. I can assure you, to begin with, that, as far at least as the Government is concerned, this region still remains in the full and unimpaired possession of its pristine beauties.

There is in this national park about nine townships; that is, the park is almost square in form, which square is composed of three townships each way, with some slight variations. This makes the park approximately 18 miles square. It contains 207,360 acres.

The Mount Rainier, or, as it is more properly called, the Mount Tacoma National Park, was created by act of Congress approved March 2, 1899, which act will be found in the United States Statutes at Large, volume 30, page 993. The act in full is as follows:

An act to set aside a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Mount Rainier National Park.

Be it enacted, etc., That all those certain tracts, pieces, or parcels of land lying and being in the State of Washington, and within the boundaries particularly described as follows, to wit: Beginning at a point 3 miles east of the northeast corner of township No. 17 north, of range 6 east of the Willamette meridian; thence south through the central parts of townships Nos. 17, 16, and 15 north, of range 7 east of the Willamette meridian, 18 miles more or less, subject to the proper easterly or westerly offsets, to a point 3 miles east of the northeast corner of township No. 14 north, of range 6 east of the Willamette meridian; thence east on the township line between townships Nos. 14 and 15 north, 18 miles more or less to a point 3 miles west of the northeast corner of township 14 north, of range 10 east of the Willamette meridian; thence northerly subject to the proper easterly or westerly offsets, 18 miles more or less, to a point 3 miles west of the northeast corner of township No. 17 north, of range 10 east of the Willamette meridian (but in locating said easterly boundary, wherever the summit of the Cascade Mountains is sharply and well defined, the said line shall follow the said summit, where the said summit line bears west of the easterly line as herein determined); thence westerly along the township line between said townships Nos. 17 and 18 to the place of beginning, the same being a portion of the lands which were reserved from entry or settlement and set aside as a public reservation by proclamation of the President on the 20th day of February, in the year of our Lord 1893, and of the independence of the United States the one hundred and seventeenth, are hereby dedicated and set apart as a public park, to be known and designated as the Mount Rainier National Park, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors, all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same, and the construction of roads and bridle paths therein. And through the lands of the Pacific Forest Reserve, adjoining said park, rights of way are hereby granted, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies, through the lands of said Pacific Forest Reserve, and also into said park hereby created, for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, through said lands, also into said park. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act.

SEC. 3. That upon execution and filing with the Secretary of the Interior, by the Northern Pacific Railroad Company, of proper deed releasing and conveying to the United States the lands in the reservation hereby created, also the lands in the Pacific Forest Reserve which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is hereby authorized to select an equal quantity of nonmineral public lands, so classified as nonmineral at the time of actual Government survey, which has been or shall be made, of the United States not reserved and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States: *Provided*, That any settlers on lands in said national park may relinquish their rights thereto and take other public lands in lieu thereof, to the same extent and under the same limitations and conditions as are provided by law for forest reserves and national parks.

SEC. 4. That upon the filing by the said railroad company at the local land office of the land district in which any tract of land selected and the payment of the fees prescribed by law in analogous cases, and the approval of the Secretary of the Interior, he shall cause to be executed, in due form of law, and deliver to said company a patent of the United States conveying to it the lands so selected. In case the tract so selected shall at the time of selection be unsurveyed, the list filed by the company at the local land office shall describe such tract in such manner as to designate the same with a reasonable degree of certainty; and within the period of three months after the lands including such tract shall have been surveyed and the plats thereof filed by said local land office, a new selection list shall be filed by said company, describing such tract according to such survey; and in case such tract, as originally selected and described in the list filed in the local land office, shall not precisely conform with the lines of the official survey, the said company shall be permitted to describe such tract anew, so as to secure such conformity.

SEC. 5. That the mineral-land laws of the United States are hereby extended to the lands lying within the said reserve and said park.

Approved March 2, 1899.

Mr. Chairman, about a year ago—on April 1, 1902—I offered on this floor a proposed amendment to the then pending sundry civil appropriation bill proposing to appropriate $10,000 "for the protection and improvement of this park, the construction of fences and trails, and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior." (See CONGRESSIONAL RECORD, April 1, 1902, p. 3530.) My proposed amendment was then rejected by a margin of a few votes.

The debate that was had upon that occasion upon my proposed amendment was productive of at least one good result. It served to show the erroneous ideas that prevail and the misconception that exists regarding this park.

The chairman of the Appropriations Committee [Mr. CANNON] at that time raised several specific objections to making any appropriation for this park. Two of the objections that he raised at that time were as follows:

First. That the Northern Pacific Railroad Company owned a considerable portion of the land within the limits of this park.

Second. That the original law creating this park (see section 5 of the act) permits mineral location to be made within this park, and mining to be conducted therein, this not being the case in other national parks.

As I at that time had no intimation that these specific objections would be raised, I was not fully prepared, offhand, to meet them. However, since that time I have secured full information on these two points. At that time I stated in the debate that the Northern Pacific Railroad Company had released the greater part of their lands in the park and taken other lands in lieu thereof; that I did not think the railroad company owned any lands within the limits of the park. The gentleman from Illinois, however, at that time insisted that we could not properly make any appropriation if the company held any lands within the park, and I had not the proof at hand to show that the company did not hold any lands therein.

I made an investigation of this matter quite recently and found that I was entirely correct in my statement then made, that the railroad company did not then, and does not now, own or control a foot of land within the limits of this park. They have long ago exercised their option under the provisions of the act creating this park, and all the land which they had acquired under their railroad grant which lay within the limits of this park, after the park was created, the company surrendered and took other Government land in lieu thereof. They have not a foot of land in this park to-day.

As confirming my statement regarding this point, I read an official letter on this subject recently written to me by the Commissioner of the General Land Office:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 24, 1903.

Hon. FRANCIS W. CUSHMAN,
House of Representatives.

MY DEAR SIR: Replying to your personal inquiry this afternoon as to the amount of lands owned by the Northern Pacific Railroad Company within the limits of the Mount Rainier National Park, in the State of Washington, I have to inform you in reply that an examination of the records of this office discloses the fact that the railroad company referred to owns no lands whatever within the limits of the Mount Rainier National Park, whatever lands it formerly had having been relinquished to the Government and the relinquishments duly accepted.

Very respectfully,
BINGER HERMANN,
Commissioner.

Now, then, regarding the second objection which was made to making any appropriation for this park, to wit, the fact that mining was permitted to be conducted within the park:

Upon the occasion of our former discussion regarding this matter I then insisted, and still insist, that the fact that mining is permitted within this park is no just or reasonable ground for refusing to improve or beautify the park. Remember that this park is now and always has been since its creation under the exclusive jurisdiction of the Interior Department. All mining within the United States is done under the jurisdiction of the Secretary of the Interior. Now, then, the Department of the Interior being the Department of this Government that has exclusive jurisdiction of these two matters, the park and the mining, if there was any conflict or impropriety in improving this park while mining is permitted therein, then of course the Department of the Interior would be the Department from which this objection would naturally come. Is not that sound logic? But the situation we have on this floor is that the Secretary of the Interior has several times recommended that an appropriation be made for the improvement of this park, he well knowing at the time that mining could be conducted therein; but the knowledge of this fact did not deter him from recommending that an appropriation be made for this purpose.

In an official communication, which I put into the CONGRESSIONAL RECORD a year ago, the Secretary of the Interior said in reference to this subject:

I have to state that the legislation contemplated—an appropriation for this park—is in line with the recommendations relative to the Mount Rainier National Park contained in my last annual report to the President of the operations of this Department, pages 132 and 133. I have the honor, therefore, to

recommend that this amendment be incorporated in the sundry civil bill when it reaches the Senate, and that it may receive the favorable consideration of Congress.

Therefore, we see that the Department having exclusive jurisdiction of this park, and also the Department having jurisdiction of any and all the mining operations that may be conducted therein, recommends that this appropriation be made.

I stated on this floor a year ago that there was practically no mining carried on within the limits of this park. I knew that, because I live reasonably near this park and I know the conditions that exist therein. I was not then prepared to declare offhand that there was no mining carried on in the park, and that no mineral locations had been made therein. I knew that such a statement would be substantially correct, even if it was not literally true.

Since that time I have taken occasion to examine into this matter, and I am to-day prepared to state authoritatively that there is no mining being conducted in that park and that no mineral locations have been made therein.

On this point I wish to read an official letter which I have recently received from the Commissioner of the General Land Office on this subject:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, January 24, 1903.

Hon. FRANCIS W. CUSHMAN,
House of Representatives.

MY DEAR SIR: Replying to your verbal inquiry this afternoon as to the number of mineral locations within the limits of the Mount Rainier National Park, in the State of Washington, I have to inform you that upon investigation I find that there is but one patented placer location within the said park, said location being patented prior to the creation of the park.

Very respectfully, BINGER HERMANN,
Commissioner.

You will observe that the Commissioner of the General Land Office says that there has been but one mineral location made within this entire park, that being a patented placer location, the patent therefor having been issued prior to the creation of the park.

Now, then, in reference to this one mining claim, I happen to know this very claim and the nature of it. It is not a mine, nor a mining claim, nor anything of that nature. It is simply a set of mineral springs that were taken up under the mineral act by old Mr. Longmire years ago. He took this mineral claim, not for the purpose of mining thereon and thereby detracting from the attractions of the park, but for expressly the opposite purpose—to secure title to these valuable mineral springs and erect a hotel at that point and make it an attractive resort for tourists. This he has done.

Now, then, when all this row and bugaboo about the mineral locations in this park has been reduced to its last analysis we find the cold facts to be that during all the years since the white man first set foot in that region clear down to the last tick of the clock there has been but one mineral location made in this great area of nearly 18 miles square, and that location was not made for any purpose in conflict with the purposes for which this park was created, but, on the contrary, was made for the purpose of making the park more attractive as a pleasure resort.

The last annual report of the Secretary of the Interior, being the report for the year 1902, contains a statement in reference to this park, at pages 141 and 142, which I shall at this point insert with my remarks:

MOUNT RAINIER NATIONAL PARK.

By the act of Congress approved March 2, 1899 (30 Stat., 993), a portion of certain lands in the State of Washington, known as the Pacific Forest Reserve, was set aside as a public park, to be known as the Mount Rainier National Park.

Section 2 of this act provides, inter alia:

"That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same, after the passage of this act, to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act."

Section 5 provides—

"That the mineral land laws of the United States are hereby extended to the lands lying within the said reservation and said park."

No regulations for the government of the park "for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities or wonders within said park and their retention in their natural condition," as required by the regulations, have been promulgated by the Department, as no appropriation has been made by Congress for the management of the reservation and no superintendent could therefore be appointed to enforce such regulations.

In previous annual reports, in discussing the status of this National Park, attention was directed to the advisability of repealing, for administrative reasons, section 5 of the act of March 2, 1899 (30 Stat., 993), as well as the making of appropriations for the protection of the reservation. Considerable interest having been manifested by the public in this park during the year, and a privilege for the transportation of tourists over the roads therein having been granted, it became necessary, in the interest of the Government, to have a representative of the Department therein. Accordingly, the forest superintendent for the State of Washington was placed in charge thereof temporarily. This assignment, however, can not be continued for any length of time without serious interference with the proper performance of the duties of this officer in the enforcement of the regulations of the forestry service in the State. Proper steps have been taken looking to the early survey and marking of the park boundaries. I have, therefore, submitted to Congress through the proper channels an estimate of an appropriation of $3,000 for the management, protection, and the construction of necessary roads and trails in the Mount Rainier National Park during the ensuing fiscal year. It is earnestly recommended that favorable action be had thereon.

One of the points that has always exasperated me in my efforts in trying to secure an appropriation for the improvement of this park is this:

When I go to the Department of the Interior and want them to appoint a superintendent for this park and make rules and regulations for the preservation of the natural beauties and curiosities therein, and the improvement of roads and trails therein, the Secretary of the Interior informs me that he can not do any of these things until Congress makes an appropriation so he can have funds on hand with which to do these things.

Then when I come before Congress asking for an appropriation of money for the improvement of the park objection is made to appropriating any money for this park, because, forsooth, they say there is no superintendent in the park to look after it, and no rules have ever been adopted governing the park, and there are no roads and trails by which people can travel over the park.

During the last four years that I have been a member of Congress I have been chasing myself around that circle trying to find a suitable point to begin. It is perfectly obvious that the place to begin is by making a small appropriation with which work may be begun.

ATTEMPTS TO SECURE LEGISLATION FOR THE PARK.

Since the creation of the Mount Rainier National Park there have been several attempts made to secure appropriations for, or legislation regarding, this park. For the purpose of convenience and reference hereafter I have attempted to gather this data together. I shall not weary the House with reading this material, but will simply print it into the RECORD in connection with my remarks. My idea in printing the same is that whenever in the future it becomes necessary to look up any facts regarding the legislative history of this park that my successor (whoever he may be) will not be obliged to hunt through all the books in the Library to get information, but that the facts in reference to this park may be found collected in one place.

On January 4, 1900, in the first session of the Fifty-sixth Congress, Congressman JONES, of the State of Washington, introduced a bill (H. R. 5268) in the House of Representatives to amend in certain particulars the original act creating this park. This bill was never reported and was never passed. However, it contains matter of interest and instruction relating to this park. The bill was as follows:

A bill (H. R. 5268) to amend an act entitled "An act to set aside a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park to be known as the Mount Rainier National Park."

Be it enacted, etc., That "An act to set aside a portion of certain lands in the State of Washington now known as the Pacific Forest Reserve, as a public park to be known as the Mount Rainier National Park," be amended as follows:

That section 2 of said act be amended by adding thereto the following provision:

"Any person violating any of the rules and regulations established by the Secretary of the Interior for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition, and to provide against wanton destruction of the fish and game found within the said park, and against their capture or destruction for the purpose of merchandise or profit, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not exceeding $500."

That section 3 of said act be amended to read as follows:

"SEC. 3. That upon execution and filing with the Secretary of the Interior by the Northern Pacific Railroad Company of a proper deed releasing and conveying to the United States the lands in the forest reserve hereby created, also the lands in the Pacific Forest Reserve which have been heretofore granted by the United States to the said company, whether surveyed or unsurveyed, and are lying opposite said company's constructed road, said company is hereby authorized to select an equal quantity of land, similar in character and as nearly as possible of equal value with the lands so released, of the nonmineral surveyed public lands so classified as nonmineral at the time of actual Government survey of the United States, not reserved, and to which no adverse right or claim shall have attached or have been initiated at the time of making such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States: *Provided*, That any settlers on lands in said National Park or Pacific Forest Reserve may relinquish their rights thereto and take other public lands in lieu thereof to the same extent and under the same limitations and conditions as are provided by law for forest reservations and national parks: *And provided further*, That the affidavit of any person claiming to be a bona fide settler upon any lands heretofore selected or hereafter to be selected under this act prior to and at the time of such selection, corroborated by the affidavit of two witnesses having personal knowledge of such alleged prior settlement, shall be prima facie proof of such prior settlement, and in determining the rights of said company and any such claimant said company shall be deemed the contestant and shall be subject to all the rules and regulations at present governing contests in the land offices of the United States, and said company, prior to the hearing of such claim or contest, shall be required to place in the

hands of the receiver of the local land office in which such right or claim is to be tried the sum of $25, to be held by said receiver until the final determination of such claim or contest, and in the event that the claim of the said company to said lands shall not be allowed, then said sum of $25 shall be paid to the party to whom said land is awarded as attorney's fees in such contest; but if said company shall be awarded the land, said $25 shall be returned."

That section 4 of said act be amended to read as follows:

"SEC. 4. That upon the filing by the said railroad company at the local land office of the land district in which any tract of land selected, and the payment of the fees prescribed by law in analogous cases, and the approval of the Secretary of the Interior, he shall cause to be executed in due form of law, and deliver to said company a patent of the United States conveying to it the lands so selected: *Provided, however*, That no patent shall be issued for lands to which there is any claim adverse to the claim of the said company."

That section 5 of said act be amended to read as follows:

"SEC. 5. That the mineral-land laws of the United States are hereby extended to lands lying within the said Pacific Forest Reserve."

SEC. 6. That the Secretary of the Interior shall make such rules and regulations and take such means as he deems necessary to see that the lands selected by said company in lieu of the lands released under this act shall be as nearly as possible similar in character and of equal value of the lands so released.

In the first session of the Fifty-seventh Congress there was introduced in the United States Senate a bill (S. 270), being a bill to prevent trespassers and intruders from entering the Mount Rainier National Park.

This bill passed the Senate on March 17, 1902, but never passed the House, and therefore never became a law.

The following is a copy of this bill:

A bill (S. 270) to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington.

Be it enacted, etc., That the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Mount Rainier National Park, in Washington, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservation, and to remove such persons from said park if found therein.

The Senate Committee on Military Affairs, when considering this bill (S. 270) to prevent trespassers from entering the park, in recommending the bill for passage filed a report which contains matter of interest and information. This report is Senate Report No. 729, Fifty-seventh Congress, first session. The report is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 270) to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington, report that they have had the same under consideration and recommend its passage without amendment.

The bill contains the following provision:

"That the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Mount Rainier National Park, in Washington, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservation, and to remove such persons from said park if found therein."

The following statements with reference to and, in conclusion, in support of the bill are furnished by the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 20, 1901.

Respectfully referred to the commanding general Department of the Columbia, Vancouver Barracks, Wash., for remark.

By order of the Secretary of War.

GEO. ANDREWS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Vancouver Barracks, Wash., December 27, 1901.

Respectfully referred to the Adjutant-General United States Army. There are no mounted troops in this department available for this detail.

GEO. M. RANDALL,
Brigadier-General, Commanding.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 4, 1902.

Respectfully referred to the Lieutenant-General Commanding the Army, for remark and recommendation for the information of the Secretary of War.

By order of the Secretary of War:

GEO. ANDREWS,
Assistant Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 8, 1902.

The Lieutenant-General recommends that troops be detailed for this purpose until such time as action can be taken by Congress on the within bill.

THOMAS WARD,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 13, 1902.

Respectfully returned to the Secretary of War.

This is a bill authorizing and directing the Secretary of War, upon the request of the Secretary of the Interior, to make details of troops to prevent trespassers or intruders from entering Mount Rainier National Park, in Washington, and to remove such trespassers from said park if found therein.

Under the act of June 18, 1878 (20 Stat. L., 145), it is unlawful to employ any part of the United States forces for the purpose of executing the laws, excepting in such cases and under such circumstances as such employment of said forces may be authorized by the Constitution or act of Congress.

As the bill in question follows the lines of earlier legislation, notably act of June 6, 1900 (31 Stat. L., 618), which authorizes the Secretary of War to make the necessary details of troops to prevent trespassers or intruders from entering the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, in California, it is recommended that this bill meet the approval of this Department.

H. C. CORBIN,
Major-General, Adjutant-General United States Army.

WAR DEPARTMENT,
JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., January 21, 1902.

Respectfully submitted to the Secretary of War.

Section 15 of the act of June 15, 1878 (20 Stat. L., 152), explicitly forbids the use of troops as a posse comitatus, or otherwise, in the execution of the laws, "except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress."

In view of the foregoing prohibition, and as the use of troops contemplated is rather in the nature of a police force than as a military organization, it is believed that in this case, as in those which have arisen in the past, there should be the express sanction of law for the employment in question.

In the acts of March 3, 1883 (22 Stat. L., 626), and June 6, 1900 (31 Stat. L., 618), authorizing a similar use of troops in the case of the Yellowstone National Park, and the Sequoia, Yosemite, and General Grant National parks in California. It is therefore recommended that the bill be returned to the Senate, and that that body be advised that it meets with the approval of the War Department.

GEO. B. DAVIS,
Judge-Advocate-General.

WAR DEPARTMENT, *January 24, 1902.*

Respectfully returned to the chairman Committee on Military Affairs, United States Senate, inviting attention to the preceding indorsements hereon and concurring in the views therein expressed.

E. ROOT, *Secretary of War.*

Your committee find that the Mount Rainier National Park is now one of our national resorts, and that a constantly increasing number of tourists from all parts of the world are attracted to the mountain on account of its unsurpassed grandeur and the extent and peculiar formation of its many glaciers. Those journeying to the mountain have heretofore left the usual lines of railway or steamboat travel at the city of Tacoma and proceeded by stage to the foothills. A new line of railroad is now being built to within a few miles of the mountain, and the number of visitors will therefore, in all probability, increase very rapidly on account of the increased transportation facilities.

The mountain is something over 14,444 feet in height and rises very abruptly from the snow line and is considered by mountain climbers to be one of the most picturesque and striking mountain peaks in the world. The national park surrounding the peak contains many streams which are attractive to fishermen, and the forests abound in game. At the present time it is practically impossible to protect the natural scenery against vandalism or to prevent trespassers from entering upon the park.

There are ample facilities for conveying supplies to a detail of troops located within the park, and there are numerous suitable locations for headquarters. As soon as the detail of troops is made and further amendments to the law are enacted, the Secretary of the Interior will promulgate rules and regulations against the destruction of fish and game found within the park, and against their capture and destruction for the purpose of merchandise or profit. Such regulations, under act of Congress approved March 2, 1899 (30 Stat. L., 993), shall provide for the preservation from injury or spoliation of all timber and natural curiosities within the park and their retention in their natural condition.

In the first session of the Fifty-seventh Congress there was also introduced in the United States Senate a bill (S. 255) for the improvement of the Mount Rainier National Park.

This bill passed the Senate on March 31, 1902, but never passed the House, and therefore never became a law.

The following is a copy of this bill:

A bill (S. 255) for the improvement of the Mount Rainier National Park, in the State of Washington.

Be it enacted, etc., That there be, and hereby is, appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $25,000, to be expended under the supervision of the Secretary of the Interior, for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and construction of roads.

The Senate Committee on Forest Reservations and the Protection of Game, in recommending the bill S. 255 for passage, filed a report which contains information proper to be here reproduced in connection with the history of this matter now under consideration. This report is Senate Report No. 790, Fifty-seventh Congress, first session. The report is as follows:

The Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 255) for the improvement of the Mount Rainier National Park, in the State of Washington, have had the same under consideration and beg leave to submit the following report:

By act of Congress, approved March 2, 1899 (30 Stat., 993), a portion of the lands of the State of Washington, known as the Pacific Forest Reserve, was set aside for a public park, to be known as the Mount Rainier National Park.

This act provided against the wanton destruction of fish and game found within the park and against their capture or destruction for purposes of merchandise or profit. Trespassing was also prohibited and provision was made for the promulgation of rules and regulations to preserve the wonderful natural scenic effects of the park against destruction.

During the Fifty-sixth Congress legislation was proposed for the assignment of troops to the Mount Rainier National Park for the purpose of preventing trespassers and intruders from entering the same to destroy game or objects of curiosity therein. The legislation then asked for set aside an appropriation of $20,000 for the improvement of the park and the construction of roads. This proposed legislation met with the approval of the honorable Secretary of the Interior, who made the following statement:

* * * "I have to state that the legislation contemplated * * * is in line with the recommendations relative to Mount Rainier National Park, contained in my last annual report to the President of the operations of this Department, pages 132-133.

"I have the honor, therefore, to recommend that this amendment be incorporated in the sundry civil bill when it reaches the Senate and that it may receive the favorable consideration of Congress.

"Very respectfully,

"E. A. HITCHCOCK, *Secretary.*"

A bill (S. 270) providing for the assignment of troops to the park by the Secretary of War, upon the request of the Secretary of the Interior, has been favorably reported by the Senate Committee on Military Affairs, and an appropriation for the construction of roads and trails is deemed eminently proper. A

large and constantly increasing number of tourists visit the park each summer, although at the present time no satisfactory trails, roads, or bridges have been constructed within the limits of the reserve or park. Such improvement is needed, and for the accommodation of the general public should be made at once.

The mountainous country within the park constitutes scenic beauties unsurpassed anywhere in the world. An abrupt peak rises nearly 15,000 feet from the snow line and is pronounced by mountain climbers from all parts of the globe to be one of the most, if not the most, striking mountain peaks in the world. The glaciers surrounding the park, the water courses, the forests, and the canyons are of the greatest possible interest, and the protection provided for and the improvements to be secured by the proposed legislation are to be commended.

We therefore recommend that the bill do pass without amendment.

On January 11, 1901, Senator FOSTER submitted in the United States Senate an amendment providing for the protection of the Mount Rainier National Park in the State of Washington by authorizing a detail of troops for the purpose of guarding the same, and proposing to appropriate $20,000 for the improvement of said park, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed. (See p. 852 of CONGRESSIONAL RECORD, second session Fifty-sixth Congress, January 11, 1901.)

However, this proposed amendment was not adopted by the Senate, and therefore was never incorporated into the sundry civil bill, and said appropriation was not made.

On April 3, 1902, Senator FOSTER submitted, in the United States Senate, an amendment proposing to appropriate $25,000 for the purpose of improving the Mount Rainier National Park in the State of Washington, and for the protection of the park, the construction and repair of bridges, fences, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations. (See p. 3594 of CONGRESSIONAL RECORD, first session Fifty-seventh Congress, April 3, 1902.)

However, this proposed amendment was not adopted by the Senate, and therefore never incorborated into the sundry civil appropriation bill, and said appropriation was not made.

On June 18, 1902, Senator FOSTER submitted in the United States Senate an amendment proposing to appropriate $5,000 for the improvement of Mount Rainier National Park, in State of Washington, intended to be proposed by him to the general deficiency appropriation bill, which was ordered printed, and, with accompanying paper, referred to the Committee on Appropriations. (See p. 6977 of CONGRESSIONAL RECORD, first session Fifty-seventh Congress, June 18, 1902.)

On June 25, 1902, the United States Senate favorably reported and incorporated into the general deficiency appropriation bill the following amendment:

Improvement of Mount Rainier National Park, Washington: For protection and improvement of the park and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior, to continue available during the fiscal year 1903, $2,000.

In the conference between the House and the Senate this amendment quoted above was stricken from the bill, and no appropriation whatever was made in the bill for the park.

It is not with any egotistic idea of magnifying my own labors that I state that I have had untold trouble in gathering together the data and having the necessary investigations made with reference to this park.

The first efforts I made to secure an appropriation for this park were met with the objection that there was nothing definite upon which to act, that no official investigation had been made, that no surveys had been made, that no estimates of any kind had been made which could be used as the basis of any appropriation.

Two years and a half ago I secured the aid and assistance of Mr. Frederick G. Plummer, one of the most prominent civil engineers of the State of Washington. He was then making some investigations in this park for the United States Geological Survey, and has since become a part of the staff of that department of the Government.

I requested Mr. Plummer to make for me a map of this region, with especial reference to the proposed roadway, and also to make a preliminary survey and estimate of the cost of building a wagon road within the park.

I wish at this time to make grateful acknowledgment of the assistance I received from Mr. Plummer in this matter. Whatever measure of success that may meet my efforts in relation to this park will, in a large degree, be due to his valuable and energetic assistance. I propose to include in my remarks the correspondence of Mr. Plummer in relation to this matter:

TACOMA, WASH., *October 30, 1900.*

Hon. FRANCIS W. CUSHMAN,
Tacoma, Wash.

DEAR SIR: Replying to your favor of August 25 making inquiry as to the proposed road to Paradise Park in the Mount Rainier National Park and requesting maps of the same, it gives me pleasure to hand you herewith a large map of the Mount Rainier Forest Reserve, which includes the National Park, and also a preliminary map of the proposed road showing the points of interest which it would render accessible.

Briefly, the situation is as follows:

The Mount Rainier National Park contains some of the grandest scenery in the United States.

The season for tourists and visitors will be from June 1 to October 31.

Paradise Park is only accessible at present by a very poor road and trail.

A road can be built from the end of the present county road, at the boundary of the forest reserve, to Paradise Park. There are no natural obstacles or engineering problems that are serious.

The building of such a road is absolutely necessary to permit the enjoyment of this wonderland by the people.

The reserve and park are under the direct control of the General Government. The proposed road should be built by the General Government for the free use of the people, subject to rules and regulations by the Secretary of the Interior.

This national park deserves an elaborate description, but for the purpose of this presentation it should be borne in mind that it includes within its boundaries—

1. Mount Rainier (or Tacoma), the greatest and most beautiful of the snow peaks in this country. Its altitude is 14,526 feet, and its mass sufficient to fill Lake Erie.
2. A wonderful system of living glaciers, of which the largest is, alone, greater in extent than the combined area of all the glaciers on Mount Blanc, in Switzerland.
3. The Sluiskin and Tatoisch ranges of volcanic peaks, more beautiful in profile than the Tetons of the Yellowstone.
4. Canyons 3,000 to 5,000 feet deep.
5. A large number of beautiful lakes.
6. Dozens of cascades and waterfalls, the highest of which is 900 feet.
7. Mineral springs having various medicinal properties and of temperatures from 40° to 90° F.
8. A wide field for geologists, botanists, and mountaineers.
9. The magnificent views of the surrounding mountains and valleys, unlimited only by earth curvature, and are in extent about 20,000 square miles.

The proposed road should begin at the end of the present county road at the west boundary of the forest reserve, and its general course should be up valleys of the Nisqually and Paradise rivers to Paradise Park. The direct course would have too steep a gradient and compels introduction of a number of "loops" which, besides bringing the grade within desirable limits, will permit the passing en route of a number of the chief attractions of the park, and in addition will be a novelty in itself.

The road will have a total length of about 24.5 miles, and in this distance would pass the mineral springs mentioned above, the white-granite cliffs of the Nisqually, the foot of the great Nisqually glacier with its ice caves and terminal moraines, the columnar basalt cliffs, Tahoma Falls, Narada Falls, the Upper Falls, and Sluiskin Falls, and thence through a garden of wild flowers to Camp of the Clouds and Alta Vista.

I confidently believe that no road of equal length can offer more attractions along its route, in addition to the grand scenery which will reward the tourist at its terminus in the park.

For information I submit the following data regarding the proposed road, based upon personal reconnoissance:

The point of beginning, at the west boundary of the reserve, has an altitude of 1,800 feet. The mineral springs are 2,700 feet. The distance is 9 miles. The road will therefore have a grade of about 2 per cent for the first 9 miles.

The foot of the Nisqually glacier is 4 miles above the springs, and has an elevation of 3,300 feet. The road grade will therefore be about 3 per cent for the next 4 miles.

The point in Paradise Park which should be reached has an altitude of 5,600 feet, and the distance (with the loops mentioned) will be about 11.5 miles and will have a grade of 4 per cent, which will be the maximum grade of the road.

The surface of the road should be at least 12 feet wide.

The first 13 miles will be along the Nisqually Valley, and about one-half of it will be sidehill work in gravel and soil with little rockwork. The remaining 11.5 miles will be mostly sidehill work with considerable loose rock and bowlders. It is probable that ledges will be encountered that will make blasting necessary.

Of eight bridges that will be needed, two were built by the county before the General Government assumed control and are in good condition at the present time.

PRELIMINARY ESTIMATES OF COST.

9 miles of road, at $2,000 per mile	$18,000
4 miles of road, at $3,000 per mile	12,000
11.5 miles of road, at $4,000 per mile	46,000
	76,000
Bridges, trestles, and culverts	6,000
Engineering and contingencies	8,000
Total	90,000

Very truly, yours,

FRED. G. PLUMMER.

I brought to the attention of the honorable Secretary of the Interior the letter and estimate of Mr. Plummer and also a map which Mr. Plummer had prepared for me of this proposed road way.

The Secretary had already recommended an appropriation of $3,000 be made by Congress for the management, protection, and improvement of this park. I explained to the Secretary of the Interior that under the estimate of Mr. Plummer there could be built 9 miles of road at $2,000 per mile, or for a total of $18,000. The honorable Secretary, after examining these figures and hearing the arguments, consented to increase his recommendation of $3,000, heretofore made, by an additional recommendation of $18,000 more for the purpose of building this 9 miles of road. The Secretary therefore now recommends that we appropriate a total of $21,000 for this park. He makes that recommendation in an official letter to Mr. CANNON, the chairman of the House Committee on Appropriations. That letter is as as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1903.

Hon. J. G. CANNON,
Chairman Committee on Appropriations,
House of Representatives.

SIR: In the estimates of this Department for the fiscal year ending June 30, 1904, and in the annual report of the operations of this Department for the past fiscal year it was recommended that $3,000 be appropriated by Congress

for the management, protection, and improvement of the Mount Rainier National Park, in the State of Washington. Since that time my attention has been called to the advisability of the construction of a wagon road from the edge of the Mount Rainier Forest Reserve across the same and into the Mount Rainier National Park, a distance of approximately 24½ miles, and with a view to securing authority for the construction thereof, I desire to increase the estimate heretofore submitted by the addition thereto of $18,000.

I have the honor to recommend, therefore, that the following clause be inserted in the sundry civil bill, to wit:

"For the management, protection, and improvement of Mount Rainier National Park, construction of roads, bridges, fences, and trails therein, and the improvement of existing roads, $21,000, to be expended under the supervision of the Secretary of the Interior: *Provided*, That the surveys for roads and the work of construction thereof shall be performed under the supervision of an engineer officer of the Army, to be detailed for that purpose on the request of the Secretary of the Interior."

This national park, it is stated in a paper prepared by Mr. F. G. Plummer, of the Geological Survey, includes within its boundaries:

1. Mount Rainier (or Tacoma), the greatest and most beautiful of the snow peaks in this country. Its altitude is 14,526 feet, and its mass sufficient to fill Lake Erie.
2. A wonderful system of living glaciers, of which the largest is, alone, greater in extent than the combined area of all the glaciers on Mount Blanc, in Switzerland.
3. The Sluiskin and Tatoisch ranges of volcanic peaks, more beautiful in profile than the Tetons of the Yellowstone.
4. Canyons 3,000 to 5,000 feet deep.
5. A large number of beautiful lakes.
6. Dozens of cascades and waterfalls, the highest of which is 900 feet.
7. Mineral springs having various medicinal properties and of temperatures from 40 to 90° F.
8. A wide field for geologists, botanists, and mountaineers.
9. The magnificent views of the surrounding mountains and valleys are limited only by earth curvature, and are in extent about 20,000 square miles.

These natural curiosities or wonders within this reservation can not be advantageously seen by the traveling public interested therein, nor can the Department satisfactorily provide for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonders within the park, and their retention in their natural condition, as required by the act of March 2, 1899 (30 Stats., 994), unless proper roads are constructed therein.

There is transmitted herewith, for the information of the committee, a copy of a report from the Director of the Geological Survey and accompanying inclosures, giving detailed information regarding the park and the road proposed to be constructed therein.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

Mr. Chairman, in my investigation of this subject it became necessary for me to go at length into the investigation of the appropriations made for other national parks in order to make a comparison between these other parks and the one located in my State.

I propose to print into the RECORD at this point all the data on the general subject of national parks which I have secured in the course of this investigation.

DEPARTMENT OF THE INTERIOR,
Washington, February 3, 1903.

Hon. F. W. CUSHMAN, *House of Representatives.*

SIR: Your letter has been received requesting a tabular statement of the various national parks in the United States, the dates of creation, number of square miles in each, and total amount of money appropriated therefor, respectively, together with a statement of the appropriations made for each, by years.

In response thereto I have the honor to state that the Department will endeavor to furnish you with the information as to the national parks under the supervision of the Secretary of the Interior at an early a day as practicable. No occasion has heretofore arisen, however, for the compilation of a statement of these appropriations, and some little time will necessarily be consumed in collecting the data.

The following national parks are under the supervision of the branches of the Government hereinafter indicated, to wit:

The National Zoological Park, in the District of Columbia, having an area of 170 acres, was established March 2, 1889, and is under the supervision of the Secretary of the Smithsonian Institution.

The Chicamauga and Chattanooga National Park, in Georgia and Tennessee, having an area of 6,195 acres, was established August 19, 1890, and the Antietam Battle Field National Park, in Maryland, having an area of 43 acres, established August 30, 1890, are, respectively, under the supervision of the Secretary of War.

The Rock Creek Park, in the District of Columbia, having an area of 1,606 acres, established September 27, 1890, is under the supervision of the Commissioners of the District of Columbia.

The Shiloh National Park, in Tennessee, having an area of 3,000 acres, was established December 27, 1894; the Gettysburg National Park, in Pennsylvania, having an area of 877 acres, established February 11, 1895, and the Vicksburg National Park, in Mississippi, having an area of 1,233 acres, established February 21, 1899, are, respectively, under the Secretary of War.

Information as to the various appropriations that have been made from time to time by Congress for the protection, improvement, and management of these parks can be procured from the several officers having supervision thereof.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, February, 6, 1903.

Hon. FRANCIS W. CUSHMAN, *House of Representatives.*

SIR: In further reply to your letter of the 31st ultimo I have the honor to transmit herewith a tabular statement showing the national parks under this Department, the location, area, and date of establishment of each, together with the aggregate appropriations by Congress therefor, respectively.

There is also transmitted herewith a tabular statement of the said national parks, giving the appropriations from the date of establishment thereof to the present time, by years.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

National parks in the United States.

State.	Name.	Area in acres.	When created.	Under which Department.	Aggregate appropriations since creation.
Montana and Wyoming	Yellowstone	2,142,720	Mar. 1,1872	Interior	$1,211,885.46
Arkansas	Hot Springs Reservation	912	June 16,1880	do	389,933.78
District of Columbia	Zoological	170	Mar. 2,1889	Smithsonian	
Georgia and Tennessee	Chickamauga and Chattanooga	6,195	Aug. 19,1890	War	
Maryland	Antietam	43	Aug. 30,1890	do	
District of Columbia	Rock Creek	1,606	Sept. 27,1890	Commissioners District of Columbia; Chief Engineer, Army.	
California	Sequoia	160,000	Oct. 1,1890	Interior	30,000
Do	General Grant	2,560	do	do	7,500
Do	Yosemite	967,680	do	do	23,000
Arizona	Casa Grande Ruin	480	June 22,1892	do	4,000
Tennessee	Shiloh	3,000	Dec. 27,1894	War	
Pennsylvania	Gettysburg	877	Feb. 11,1895	do	
Mississippi	Vicksburg	1,233	Feb. 21,1899	do	
Washington	Mount Ranier	207,360	May 22,1899	Interior	None.
Oregon	Crater Lake	159,360	May 22,1902	do	2,000
South Dakota	Wind Cave		Jan. 9,1903	do	None.

Mr. Chairman, I call especial attention to the foregoing tabulation, because it shows all the national parks in the United States, and particularly because it shows that the Mount Rainier National Park, in the State of Washington, is the only national park in the United States under the jurisdiction of the Interior Department for which there has never been a dollar of Government money appropriated. Of course I make an exception of the Wind Cave Park, because that was only created thirty days ago, and there has not been time enough to even consider the matter of an appropriation for that park.

Memorandum as to appropriations for national parks.

YELLOWSTONE NATIONAL PARK.

(Created by act of Congress approved March 1, 1872.)

[From March 1, 1872, up to June 30, 1878, no appropriations for park were made by Congress.]

For protection and improvement of park, act June 20, 1878	$10,000.00
For protection and improvement of park, act March 3, 1879	10,000.00
For protection and improvement of park, act June 16, 1880	15,000.00
For protection and improvement of park, act March 3, 1881	15,000.00
For protection and improvement of park, deficiency act March 3, 1881	89.76
For protection and improvement of park, 1883, including salary of superintendent and employees, sundry civil act August 7, 1882	15,000.00
For protection and improvement of park, 1879, and prior years, deficiency act August 5, 1882	150.00
To pay P. W. Norris's salary and expenses, superintendent of park, from April 18, 1877, to June 30, 1878, sundry civil act August 7, 1882	3,335.41
For protection and improvement of park, 1884 (including compensation of superintendent and employees—salary of superintendent $2,000; ten assistant superintendents, at $900 each—to be deducted from said appropriation), sundry civil act March 3, 1883	$40,000.00
For protection and improvement of park, 1885, sundry civil act July 7, 1884	40,000.00
For protection and improvement of park, 1886, sundry civil act March 3, 1885	40,000.00
Continuation of compensation of superintendent and employees, joint resolutions July 1 and 15, 1886	934.25
For protection and improvement of park, 1887, construction of roads and bridges under the direction of engineer officer detailed by Secretary of War, sundry civil act March 3, 1887	20,000.00
For protection and improvement of park, 1888, sundry civil act October 2, 1888	25,000.00
For protection and improvement of park, 1889, sundry civil act March 2, 1889	50,000.00
For protection and improvement of park, 1890, sundry civil act August 30, 1890	75,000.00
For improvement of the park, 1891, sundry civil act March 3, 1891	75,000.00
For improvement of the park, 1892, sundry civil act August 5, 1892	45,000.00
For improvement of the park, 1893, sundry civil act March 3, 1893	30,000.00
For improvement of the park, 1894, sundry civil act August 18, 1894	30,000.00
For offices of the United States commissioner and jail, act May 7, 1894	5,000.00
For salary of commissioner, 1894, sundry civil act August 18, 1894	1,000.00
For improvement of park, 1895, sundry civil act March 2, 1895	30,000.00
To reimburse United States commissioner amount paid for completion of offices and jail buildings, sundry civil act March 2, 1895	385.75
For salary of commissioner, sundry civil act March 2, 1895	1,000.00

For improvement and protection of park, 1896, sundry civil act June 11, 1896	$35,000.00
For salary of commissioner, legislative act May 28, 1896	1,000.00
For deficiency for improvements, deficiency act June 8, 1896	5,000.00
For improvement and protection of park, 1897, sundry civil act June 4, 1897	35,000.00
For improvement of the park, deficiency act July 19, 1897	.78
For salary of commissioner, legislative act July 19, 1897	1,000.00
For improvement and protection of the park, 1898, sundry civil act July 1, 1898	40,000.00
For improvement of the park, deficiency act July 7, 1898	99.75
For salary of commissioner, legislative act March 15, 1898	1,000.00
For improvement and protection of the park, 1899, sundry civil act March 3, 1899	35,000.00
For improvement, 1899 and 1900, sundry civil act March 3, 1899	5,000.00
For improvement of the park, deficiency act March 3, 1899	99.80
For bridges, buildings, and other improvements (C. J. Baronett, $5,000; James C. McCartney, $3,000; Mathew McGuirk, $1,000), act of March 1, 1899	9,000.00
For salary of commissioner, legislative act February 24, 1899	1,000.00
For improvement and protection of the park, 1900, sundry civil act June 6 1900	60,000.00
For improvement of park, deficiency act June 6, 1900	6.95
For improvement for 1898, deficiency act June 6, 1900	162.62
For salary of commissioner, legislative act April 17, 1900	1,000.00
For improvement of the park, 1901, sundry civil act March 3, 1901	113,000.00
For repairs to public buildings, sundry civil act March 3, 1901	450.00
For protection of park, 1901, legislative act March 3, 1901	5,000.00
For surveying northern and western boundaries, legislative act March 3, 1901	3,300.00
For salary of commissioner, legislative act March 3, 1901	1,500.00
For contingent fund, legislative act March 3, 1901	250.00
For improvement of the park, 1902, sundry civil act June 28, 1902	250,000.00
For payment to Northern Pacific Railroad Company for transportation of cast-iron pipe, deficiency act February 14, 1902	31.96
For protection of park, sundry civil act June 28, 1902	5,000.00
For completion of survey of eastern boundary, sundry civil act June 28, 1902	2,800.00
For payment to E. F. Stahle, for survey of western boundary, deficiency act July 1, 1902	13.90
For preservation of buffalo, deficiency act July 1, 1902	15,000.00
Payment to Wyoming, for protection of park in prior years, legislative act May 27, 1902	7,780.44
For salary of commissioner, legislative act April 28, 1902	1,500.00
YOSEMITE NATIONAL PARK.	
For improvement of the park, 1898, sundry civil act June 1, 1898	5,000.00
For improvement of the park, 1899, including expenses of a commission to report upon the needs of the park, sundry civil act March 3, 1899	4,000.00
For improvement of the park, sundry civil act June 6, 1900	4,000.00
For improvement of the park, 1901, sundry civil act March 3, 1901	4,000.00
For improvement of the park, 1902, sundry civil act June 28, 1902	6,000.00
SEQUOIA NATIONAL PARK.	
For improvement of the park, 1900, sundry civil act June 6, 1900	10,000.00
For improvement of the park, 1901, sundry civil act March 3, 1901	10,000.00
For improvement of the park, 1902, sundry civil act June 28, 1902	10,000.00
GENERAL GRANT NATIONAL PARK.	
For improvement of the park, 1900, sundry civil act June 6, 1900	2,500.00
For improvement of the park, 1901, sundry civil act March 3, 1901	2,500.00
For improvement of the park, 1902, sundry civil act June 28, 1902	2,500.00
CRATER LAKE NATIONAL PARK.	
For improvement of the park, 1902, deficiency act July 1, 1902	2,000.00
MOUNT RAINIER NATIONAL PARK.	
Estimate for 1903	21,000.00
HOT SPRINGS RESERVATION.	
Salaries and expenses Hot Springs Commission, act March 3, 1877	27,500.00
Salaries and expenses Hot Springs Commission, act December 15, 1877	15,000.00
Salaries and expenses Hot Springs Commission, act March 3, 1879	39,500.00
For improvement of Hot Springs, act August 7, 1882	33,744.78
For protection and improvement, Hot Springs, act July 7, 1884	75,000.00
For protection and improvement, Hot Springs, act March 3, 1885	8,000.00
For protection and improvement, Hot Springs, act August 4, 1886	20,000.00
For protection and improvement, Hot Springs, act October 2, 1888	36,000.00
For protection and improvement, Hot Springs, act September 30, 1890	8,200.00
For protection and improvement, Hot Springs, act March 3, 1891	5,000.00
For protection and improvement, Hot Springs, act August 5, 1892	30,000.00
For claims for condemned buildings destroyed by fire March 5, 1878, act March 3, 1901	44,427.00
For protection and improvement, Hot Springs, act June 28, 1902	47,562.00

Now, then, Mr. Chairman, I am going to conclude my remarks in reference to this national park and the appropriation of $21,000 which I have asked for in the amendment which I have offered. It will be observed by members that I have offered my amendment for exactly the same amount which has been recommended by the Secretary of the Interior, and I have drawn my amendment in the same language which the Secretary and myself agreed upon in the discussion of this matter, and which proposed amendment the Secretary incorporates in his official letter to the chairman of the Appropriations Committee, which I have heretofore read.

There are certainly no reasons why my amendment should not be adopted. Every year and every year we pass appropriation bills on this floor making appropriations for the other national parks in the United States. I only ask that the national park in my State, superior in beauty and surpassing in scenery any other national park on this continent, shall receive a portion of the money that we are yearly appropriating for national parks.

At the conclusion of Mr. CUSHMAN'S speech Mr. CANNON of Illinois offered as a substitute for the amendment proposed by Mr. CUSHMAN, the following:

Mount Rainier National Park: To enable the Secretary of War to cause a survey to be made of the most practicable route for a wagon road into said park and toward the construction of said road after the survey herein provided for shall have been made, $10,000.

The substitute was adopted in place of the amendment offered by Mr. CUSHMAN (see CONGRESSIONAL RECORD of February 11, 1903, p. 2161, second session Fifty-seventh Congress) and afterwards said substitute was agreed to in the Senate, and as a part of said sundry civil bill was approved by the President March 3, 1903, and became a part of said law.

Life and Character of James Montraville Moody.

REMARKS
OF
HON. JOHN LAMB,
OF VIRGINIA,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, February 22, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. LAMB said:

Mr. SPEAKER: Hon. JAMES M. MOODY was a useful member of the Committee on Agriculture. I knew him well and watched his course on that committee. He was an attentive listener to all the hearings. He seldom addressed the committee, but when he did he expressed himself with force and earnestness. His appeal for consideration of the bill establishing "The National Appalachian Forest Reserve" was impressive and convincing, while the report he made on that measure to this House was clear and strong, showing the great necessity for the work and the immense advantages to follow its establishment.

I attended the funeral of Major MOODY, and witnessed the last sad rites over the remains of our colleague. The scene was impressive, and gave a remarkable evidence of the esteem and affection in which he was held by the community where he was born and reared. A stream of people from the town of Waynesville and the surrounding country passed in and out of the home of the dead Congressman to take a last look at their friend and Representative. Rain had been falling continuously for several hours. This did not deter the hardy yeomanry of the counties from attending the funeral of their friend. They stood in long lines with saddened countenances—the sons of men whom I have watched in battle so often, and seen their prostrate forms cover acres of mother earth after the clash of arms had ceased and the cannon's roar had died away.

It was a strange circumstance, that just as the hour for the funeral services arrived the clouds lifted, the sun came out. Above the mists of the clouds shone the mountain peaks. It was a glorious panorama! The lowlander feasted his eyes and wished he was an artist or a word painter. When the procession was over, and Mother Earth held securely another of her toilers, the rain again fell steadily, and all nature appeared in sympathy with the surrounding gloom and sorrow.

I watched the mourning crowd disperse. I noted the ex-Confederate soldiers, spoke to several of them, and heard one, who was in charge of an order of knights to which the deceased belonged, say, "Close up, men." I had heard the expression before. Had seen North Carolina's sons "close up" on many a hard-fought field.

We know the early and later history of the Old North State. She gave the first martyr to the Revolution; the first to the glorious struggle for the rights of the South, and the first for the Cuban independence.

North Carolina has furnished to the country many military and civic heroes who will occupy a high niche in the temple of fame, but no more touching tribute to the rank and file of her brave sons can be made than the recording in her archives of the names of these three heroes.

Their deeds will be mentioned and their names repeated by the coming generations of the Old North State while the restless ocean laves her eastern shores and the silent mountains, that look eternal, guard her western confines.

Amidst the charms and inspirations of western North Carolina our deceased colleague grew up, struggling with difficulties and advancing step by step until he was recognized as one of her most useful citizens and honored by her people with various positions of trust and responsibility.

I can best portray his public and private character and contribute my share in preserving a record of his life by quoting a part of a tribute to Major MOODY found in one of the papers of his State a few days after his sad and untimely end.

As a representative of the bar he was one of the most successful of the State. He was especially prominent as a criminal lawyer. His public service gave general satisfaction to all classes of people regardless of faith or party. As State senator, as Congressman, no man ever labored more enthusiastically for the good of his county; he seemed to have every man's interest at heart and he labored hard that he might do the best for each and all. He was devoted to his work and no social occasion ever persuaded him away from duty. But it is not necessary to speak at length of his public services. Their character is the best attestation of their worth and sincerity. They glow upon his country's history. They burn in shimmering glory upon his country's banner. They are written upon hearts of multitudes with a stylus of fire.

As a man he was a center of attraction, a favorite among all classes of people. To know him was to love him; his great heart and personal magnetism, his manly sympathy and noble affability, charmed thousands into his friendship. On this ground many men of the opposite political faith forgot their own party and voted for him.

In the passing away of so many members of the Fifty-seventh Congress we are reminded that—

Death rides on every passing breeze
He lurks in every flower.

We have seen the youngest and the strongest fall before the "grim monster."

Who will be the next victim?

The youth in life's green spring and he who goes
In the full strength of years, matron and maid,
The speechless babe, and the gray-headed man—
Shall one by one be gathered to thy side,
By those, who in their turn shall follow them.

The Fifty-seventh Congress Appropriations for the Government Service Ample, Economical, and Carefully Considered.

REMARKS
OF
HON JOSEPH G. CANNON,
OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1903.

The House having under consideration the conference report on the bill (H. R. 17433) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes—

Mr. CANNON said:

Mr. SPEAKER: The appropriations made by the second session of the Fifty-seventh Congress, including the permanent annual appropriations and appropriations for the postal service, amount to $753,484,018.29.

I will submit and print as a part of my remarks the usual table giving the history of the appropriations of the session, in which there are indicated, by titles of the regular bills, the amounts estimated and the amounts of each during the several stages of their consideration up until the final agreements thereon, together with the amounts appropriated for the current fiscal year at the last session of Congress.

By this table it is shown that the regular bills for the annual support of the Government appropriate in the aggregate for the next fiscal year $596,082,625.82, being an increase of $282,151.72 over the appropriations of the last session, and that all appropriations authorized at this session, other than those known as permanent annual appropriations, amount to $320,894,198.29, or $55,809,078.26 less than the like appropriations for the last session. In connection with the appropriations made at the last session for the current fiscal year, however, it is proper to say that they include $50,130,000 on account of the isthmian canal and over $6,000,000 more on account of deficiencies than was appropriated at the present session.

Comparing by bills the appropriations of this session with those made last session, the following differences are indicated:

On the Agricultural bill, an increase of $769,200.

On the Army bill, a reduction of $13,591,383.58, which in itself is a proof of the good faith of the Republican party in its pledges to reduce and maintain the military establishment of the country on the lowest possible effective basis.

On the Diplomatic and Consular bill, an increase of $10,325.

On the District of Columbia bill, an increase of $103,027.03.

On the Fortification bill, a reduction of $110,538.78.

On the Indian bill, a reduction of $473,077.63.

On the Legislative, Executive, and Judicial bill an increase of $2,199,272.16, made up chiefly on account of the transfer of $926,460 to this bill from the Sundry Civil bill for expenses of the permanent Census Office and by the addition of $500,000 to enable the Attorney-General to enforce more effectually the interstate commerce and antitrust laws.

On the Military Academy bill a reduction of $1,974,075.75.

On the Naval bill an increase of $3,020,928.30.

On the Pension appropriation bill an increase of $5,370.

On the Post-Office bill an increase of $15,084,951.

No River and Harbor bill was passed at this session. The one enacted last session appropriated $26,771,442.

On the Sundry Civil bill, an increase of $22,109,595.97. In this bill there is included $20,233,150 for the continuation of river and harbor improvements under authorized contracts, which sum is an increase of $14,464,392.50 over the amounts appropriated at the last session.

For deficiencies, as stated before, a reduction is made of $6,488,434.85.

For miscellaneous purposes, carried in separate acts, it is estimated that an aggregate of $3,250,000 is appropriated; an increase of $527,204.87 over the last session.

On account of permanent appropriations, which, as their name implies, are permanent or continuing provisions of law providing for certain expenditures, such as interest on the public debt, the requirements of the sinking fund, the expenses of collecting the customs revenues, and certain trust funds, an increase for 1904 appears, according to the estimates of the Treasury Department, of $8,668,600 over the aggregate of the estimates for the current year of 1903. Of this sum $5,000,000 is for redemption of national-bank notes out of moneys deposited for that purpose by the banks, $1,500,000 is for refund to importers excess of deposits made by them, and a new item of $700,000 is from proceeds of sales of public lands which were dedicated by the act passed at the last session of this Congress to the reclamation of arid lands in certain States and Territories.

An examination of the details of the permanent appropriation estimates also discloses the gratifying result of a decrease in the annual interest charge on the national debt of $2,000,000 for the ensuing fiscal year.

The sum-total of appropriations for the two fiscal years 1903 and 1904, made by this Congress, amount to $1,554,108,514.84. This sum exceeds the aggregate of appropriations made by the previous Congress for the years 1901 and 1902 by $113,619,075.97, and yet an analysis of the appropriations made by the two Congresses shows that the Congress just expiring has appropriated alone for the Navy, for the Postal Service, for improvements of rivers and harbors, and for the construction of public buildings the sum of $115,382,136.49 more than was appropriated for those objects by the preceding Congress for 1901 and 1902.

To state it another way: This Congress has given in excess of appropriations made by the Fifty-sixth Congress $17,490,946.89 toward the increase of the Navy, an expenditure that is indorsed by the whole people, for by this generous provision for the upbuilding of our Navy they realize that our country is placed in the position where we can maintain our rights on the high seas of the world and repel from our shores, with the aid of our now nearly perfect system of coast defenses, the invasion of any foreign power.

For the Postal Service the increase in appropriations over those of the previous Congress amounts to $54,377,221, a sum greater than that service cost in any fiscal year prior to that of 1888; and yet the service is now more nearly self-sustaining than it has been at any time during the past eighteen years. The universal and unprecedented prosperity throughout the country is unmistakably attested through this most sensitive pulse of our whole system of governmental machinery.

For the improvement of our waterways and the harbors for commerce along our seaboard the appropriations for the periods mentioned show an increase of $33,526,120.75.

Public buildings authorized by this Congress, to be constructed in our chief cities and towns, have required appropriations of $9,987,847.85 more than was appropriated by the Fifty-sixth Congress.

And in addition to these increased appropriations, made at the two sessions of this Congress, we have appropriated $50,130,000 toward the final and speedy achievement of our greatest national ambition, the construction of the Isthmian Canal.

The Republican Administration of our Government, the dominance of Republican policies in both branches of Congress since 1897, has given us a system of taxation that has produced a National Treasury richer than was ever enjoyed by any nation of the earth, and has rendered possible these great expenditures for the public welfare.

Chronological history of appropriation bills, second session of the Fifty-seventh Congress; estimates and appropriations for the fiscal year 1903-4; and appropriations for the fiscal year 1902-3.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1904.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.	
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.
Agriculture	$5,000,150.00	1903. Jan. 20	$5,238,800.00	1903. Jan. 24	$5,268,800.00	1903. Feb. 23	$5,698,360.00	1903. Feb. 25	$6,113,360.00
Army	77,411,011.67	Jan. 9	73,875,276.83	Jan. 15	73,875,276.83	Jan. 20	77,243,777.83	Feb. 3	79,147,584.55
Diplomatic and consular	2,145,415.69	Jan. 12	1,929,625.69	Jan. 19	1,944,625.69	Jan. 24	1,981,100.69	Jan. 26	1,984,550.69
District of Columbia[a]	11,005,628.00	Jan. 17	7,750,655.00	Jan. 20	7,750,655.00	Feb. 7	9,396,090.00	Feb. 13	9,424,254.00
Fortification	15,004,420.00	Jan. 25	7,003,943.00	Feb. 20	7,003,943.00	Feb. 27	7,188,416.22	Feb. 28	7,188,416.22
Indian	7,685,790.52	1902. Dec. 9	7,715,930.52	Jan. 29	7,789,675.52	Feb. 13	9,245,979.58	Feb. 16	9,824,479.58
Legislative, executive, and judicial	26,425,618.50	Dec. 12	26,931,053.16	1902. Dec. 17	27,474,119.16	Jan. 19	27,656,233.66	Jan. 20	27,650,233.66
Military Academy	696,933.82	1903. Jan. 21	644,273.67	1903. Jan. 26	644,273.67	Feb. 19	654,348.67	Feb. 27	654,348.67
Navy	82,426,050.58	Feb. 6	79,048,420.15	Feb. 19	79,339,420.15	Feb. 26	81,277,281.15	Feb. 27	82,512,312.43
Pension	139,846,480.00	1902. Dec. 5	139,847,000.00	1902. Dec. 6	139,847,000.00	1902. Dec. 17	139,847,000.00	1902. Dec. 17	139,847,000.00
Post-Office[b]	153,010,520.00	1903. Jan. 23	153,330,049.75	1903. Feb. 5	153,330,049.75	1903. Feb. 18	151,579,149.75	1903. Feb. 25	151,489,208.35
River and harbor	(c)								
Sundry civil	[d]80,048,957.52	Feb. 2	78,017,929.10	Feb. 14	79,849,949.10	Feb. 24	83,279,650.10	Feb. 26	80,475,280.10
Total	601,366,956.30		581,423,616.87		584,206,447.87		595,047,987.65		601,817,728.25
Urgent deficiency, Department of Agriculture, etc	[e]24,000,000.00	1902. Dec. 13	1,125,000.00	1902. Dec. 15	1,130,000.00	1902. Dec. 16	1,132,400.00	1902. Dec. 17	1,140,400.00
Additional urgent deficiency, District of Columbia, etc		1903. Jan. —	100,500.00	1903. Jan. 13	100,500.00	1903. Jan. 15	100,500.00	1903. Jan. 15	100,500.00
Deficiency, 1903, and prior years		Feb. 21	13,098,781.80	Feb. 23	14,712,975.83	Feb. 28	18,306,448.09	Mar. 2	21,372,937.22
Total	625,366,956.30		596,347,898.67		600,151,923.70		614,587,335.74		624,431,565.47
Miscellaneous	[e]7,500,000.00								
Total regular annual appropriations	632,866,956.30								
Permanent annual appropriations	132,589,820.00								
Grand total regular and permanent annual appropriations	765,456,776.30								

Title.	Law 1903-4.		Law 1902-3.
	Date.	Amount.	Amount.
Agriculture	1903. Mar. 3	$5,978,160.00	$5,208,960.00
Army	Mar. 2	78,138,752.83	91,730,136.41
Diplomatic and consular	Feb. 9	1,968,250.69	1,957,925.69
District of Columbia[a]	Mar. 3	8,647,497.00	8,544,469.97
Fortification	....do....	7,188,416.22	7,208,955.00
Indian	....do....	8,512,950.47	8,986,028.10
Legislative, executive, and judicial	Feb. 25	27,595,953.66	25,396,681.50
Military Academy	Mar. 3	653,248.67	2,627,324.42
Navy	....do....	81,877,291.43	78,856,363.13
Pension	1902. Dec. 23	139,847,000.00	139,842,230.00
Post-office[b]	1903. Mar. 3	153,401,549.75	138,416,598.75
River and harbor		(f)	[g]26,771,442.00
Sundry civil	....do....	[h]82,272,955.10	[i]60,163,359.13
Total		596,082,625.82	595,800,474.10
Urgent deficiency, Department of Agriculture, etc	1902. Dec. 22	1,140,400.00	28,050,007.32
Additional urgent deficiency, District of Columbia, etc	1903. Jan. 20	100,500.00	
Deficiency, 1903 and prior years	Mar. 3	20,320,672.47	
Total		617,644,198.29	623,850,481.42
Miscellaneous		3,250,000.00	2,722,795.13
Isthmian canal			50,130,000.00
Total regular annual appropriations		620,894,198.29	676,703,276.55
Permanent annual appropriations		132,589,820.00	[k]123,921,230.00
Grand total regular and permanent annual appropriations		753,484,018.29	[l]800,624,406.55

Amount of estimated revenues for fiscal year 1904	$585,000,000.00
Amount of estimated postal revenues for fiscal year 1904	144,767,664.00
Total estimated revenues for fiscal year 1904	729,767,664.00

[a] One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1904 at $133,256), which are payable from the revenues of the water department.

[b] Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

[c] No amount is estimated for rivers and harbors for 1904 except the sum of $18,570,339.33 to meet contracts authorized by law for river and harbor improvements included in the sundry civil estimates for 1904.

[d] This amount includes $18,570,339.33 to meet contracts authorized by law for river and harbor improvements for 1904.

[e] This amount is approximated.

[f] No river and harbor bill passed for 1904, but the sum of $20,233,150 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1904.

[g] In addition to this amount, the sum of $5,768,757.50 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1903.

[h] This amount includes $20,233,150 to carry out contracts authorized by law for river and harbor improvements for 1904.

[i] This amount includes $5,768,757.50 to carry out contracts authorized by law for river and harbor improvements for 1903.

[k] This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1903, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

[l] In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, $2,118,405; by the Military Academy act, $3,500,000; by the naval act, $21,039,500; by the river and harbor act, $38,336,160; by the sundry civil act, $1,511,000; by the deficiency act, $232,750; by the public buildings act, $15,943,650; by the isthmian canal act, $180,000,000; in all, $232,711,465.

Appropriations and Contracts Fifty-seventh Congress Double Those of Previous Democratic Congress.

REMARKS
OF
HON. LEONIDAS F. LIVINGSTON,
OF GEORGIA,
IN THE HOUSE OF REPRESENTATIVES,
Tuesday, March 3, 1903.

The House having under consideration the conference report on the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes—

Mr. LIVINGSTON said:

Mr. SPEAKER: I submit herewith a tabular statement showing the appropriations for the fiscal years 1895 and 1896, made by the Fifty-third Congress, which was controlled in both of its branches by the Democratic party and during Mr. Cleveland's Administration of the Government, and the appropriations made by the Fifty-seventh Congress just closing, for the fiscal years 1903 and 1904. The latter contrasted with the former bears upon its face its own criticism.

During the period first named, the total of appropriations amounted to only $989,239,205.69, while for the latter period they reached the astonishing total of $1,554,108,514.84; and, adding thereto the contract obligations in excess of appropriations made, namely, $262,711,465 authorized at the first session of this Congress, together with approximately $35,000,000 authorized during the second session just closing, we have a sum exceeding $1,850,000,000, or dangerously close to the two-billion-dollar mark for a single Congress.

I will not undertake to analyze the figures as they appear in this table, but will content myself with calling attention to only a few of the salient facts developed therein. During the Fifty-third Congress the total appropriations for the military and naval service of the Government, not including those for pensions or for the maintenance of Soldiers' Homes, aggregated $106,791,223.04, or a little more than one-tenth of the whole appropriations made. During the Fifty-seventh Congress, which made appropriations for the current and for the coming fiscal year, the sums devoted to these objects amounted to $348,370,478.11, or more than three times what these necessary branches of our public service cost under Democratic legislation and administration, and is nearly one-fourth of all of the appropriations made for the entire Government for the two years.

The Legislative, Executive, and Judicial appropriation bill, which provides substantially for the civil list of the Government, has been increased, over and above the amounts that were found sufficient during the fiscal years 1895 and 1896, by more than $9,000,000.

The Sundry Civil or omnibus bill for 1895 and for 1896 has been increased by this Congress more than $62,000,000.

The deficiencies which this Congress has seen fit to make up in appropriations for the Republican Administration are more than double those which resulted during the administration of the Government in 1895 and 1896.

The miscellaneous acts carrying appropriations during the Fifty-third Congress amounted to less than a million dollars, while those of this Congress will probably foot up to not less than $6,000,000.

The permanent annual appropriations, which provide chiefly for the interest on the national debt and for the requirements of the sinking fund, have been increased more than $30,000,000.

Nothing short of a revision of the tariff on a revenue basis and the administration of the Government under the wise and prudent methods of the Democratic party can be looked to to bring about a reduction in the national expenditures, exhibited by these figures in such appalling proportions.

Statement of appropriations made at each session of the Fifty-third Congress and at each session of the Fifty-seventh Congress, for the fiscal years 1894–95 and 1895–96 and for the fiscal years 1902–3 and 1903–4, respectively.

Title.	Fifty-third Congress.		Fifty-seventh Congress.	
	First session, for fiscal year 1894–95.	Second session, for fiscal year 1895–96.	First session, for fiscal year 1902–3.	Second session, for fiscal year 1903–4.
Agriculture	$3,223,623.06	$3,303,750.00	$5,208,960.00	$5,978,160.00
Army	23,502,884.68	23,252,008.00	91,730,136.41	78,138,752.83
Diplomatic and consular	1,503,918.76	1,574,458.76	1,957,925.69	1,968,250.69
District of Columbia	5,545,678.57	5,745,443.25	8,544,469.97	8,647,497.00
Fortification	2,427,004.00	1,904,557.50	7,208,955.00	7,188,416.22
Indian	10,659,565.16	8,762,751.24	8,986,028.10	8,512,950.47
Legislative, executive, and judicial	21,305,583.29	21,891,718.08	25,398,681.50	27,595,953.66
Military Academy	406,535.08	464,261.66	2,627,324.42	653,248.67
Navy	25,327,126.72	29,416,245.31	78,856,363.13	81,877,291.43
Pension	151,581,570.00	141,381,570.00	139,842,230.00	139,847,600.00
Post-Office	87,236,599.55	89,545,997.86	138,416,598.75	153,401,549.75
River and harbor	11,643,180.00		26,771,442.00	
Sundry civil	34,253,775.55	46,568,160.40	60,163,359.13	82,272,955.10
Total	378,767,044.42	373,811,552.15	595,800,474.10	596,082,625.82
Deficiencies	11,811,004.06	9,825,374.82	28,050,007.32	21,561,572.47
Total	390,578,048.48	383,636,806.97	623,850,481.42	617,644,198.29
Miscellaneous	577,956.55	297,667.37	2,722,795.13	3,250,000.00
Isthmian canal			50,130,000.00	
Total regular annual appropriations	391,156,005.03	383,934,564.34	676,703,276.55	620,894,198.29
Permanent annual appropriations	101,074,680.00	113,073,956.32	123,921,220.00	132,589,820.00
Grand total regular and permanent annual appropriations	492,230,685.03	497,008,520.66	800,624,496.55	753,484,018.29
	989,239,205.69		1,554,108,514.84	

Statehood Bill.

SPEECH
OF
HON. JOHN KEAN,
OF NEW JERSEY,
IN THE SENATE OF THE UNITED STATES,
February 4, 1903.

The Senate having under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States—

Mr. KEAN said:

I am opposed, Mr. President, to the passage of this bill. I do not believe it wise at the present time that it should be passed. To my mind there is no obligation which has been put upon the Republican majority here to pass this bill. I know it has been contended that Republican platforms have recommended, or, rather, directed it so, but I can not find in any Republican platform any direction to the Congress of the United States to pass an omnibus statehood bill. I know in its platform of 1896 the Republican convention provided that—

We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interests of the people of the Territories and of the United States.

There is in that no direction to Congress to admit at once Territories as States.

In the platform of the Republican party of 1900, which is cited here as being an imperative demand, there is this provision:

We favor home rule for, and the early admission to statehood of, the Territories of New Mexico, Arizona, and Oklahoma.

I agree, Mr. President, with those platforms, and I do favor the early admission to statehood of Arizona, New Mexico, and Oklahoma, but I do not think that at the present time Arizona and New Mexico are up to the standard which we should exact from a State.

The Senator from Ohio [Mr. FORAKER], in a very able and interesting speech, made the statement that, though not bound by the letter of the law to admit these Territories as States, we are bound morally to admit them now and that the course of history

and the general treatment accorded to these Territories constitute a moral contractual obligation. The Senator from Massachusetts [Mr. LODGE], in his very able and scholarly speech, to my mind, showed conclusively that we are not bound to admit these Territories, either legally or morally, until the Congress of the United States sees fit to do so.

I do not think the Senator from Ohio [Mr. FORAKER] or the Senator from Massachusetts [Mr. LODGE] and I differ at all. We think Congress is the power which should act, and when Congress sees fit to act the Territories become States. Now, there may be differences of opinion as to when that action should be taken and how the States should be fitted. I do not think that in the statements made here Arizona and New Mexico have been shown to be fitted for statehood.

There is an old saying, What constitutes a State? "Neither walls, theaters, porches, nor senseless equipage make States, but men who are able to rely upon themselves."

Men who are able to rely upon themselves. Not size, not wealth, not senseless equipage nor cities, but men, population, and a population capable of relying upon itself.

Now, let us consider for a moment the population of the Territories of Arizona and New Mexico. They are coupled by many Senators who have spoken on this bill as being alike, but they are vastly different in population, although they are similar in being equally unfitted, in my opinion, for self-government at the present time. As to New Mexico, the governor says in his last report:

Excepting the Indians, who occupy reservations or pueblos of their own, the inhabitants of New Mexico are like those of any other American Commonwealth, only that the majority of them are of Spanish or Mexican descent, as those of lower New York are of Dutch, of eastern Pennsylvania of German, or lower Louisiana are of French blood.

Here the governor explains the situation exactly. He tries to mitigate it by comparing the Spanish or Mexican descent population with those of the Dutch, German, or French in other parts of the United States—a comparison which is ridiculous on its face. When the governor says "Spanish or Mexican descent" he means Mexican (Spaniards who mixed with the Indians generations ago, leaving only their language and laziness behind). There are few families in New Mexico who can claim Spanish descent, or do claim it, and they resent being called Mexicans. They are Castilians. They are as different from Mexicans as the whites are from negroes. They control the Mexican, or peon, who does their bidding in all matters, especially political. The few Spanish families in New Mexico control the political situation among the Mexicans.

To continue with the governor's report:

This population of Spanish or Mexican descent is well scattered throughout the Territory, but is rapidly assimilating with the newcomers—

He does not say that it has assimilated—

from the States, especially in and around the towns and cities where the splendid public-school facilities are contributing much to the result.

As the public-school system in the Territory has been in vogue but twelve years, and as the average age of public-school children is about 11 years, it is not easy to account for this rapid assimilation through the public-school system.

The counties in which the "natives of the Territory" of Spanish or Mexican parentage are in excess are (and here I wish to call attention to their names) Bernalillo, Donna Ana, Guadalupe, Mora, Rio Arriba, Socorro, San Miguel, Santa Fe, Taos, Union, and Valencia; while in Lincoln, Colfax, Chaves, Eddy, Grant, Luna, McKinley, Otero, Sierra, and San Juan they are in the minority or are very evenly balanced. Now, I have made up a table from the figures given by the governor showing the power of the Spanish or Mexican element throughout the Territory:

Counties in which the natives of the Territory of Spanish or Mexican parentage are in excess.	Population.	Representation in legislature (house, 24).
Bernalillo	10,000	3
Dona Anna	11,000	2
Guadalupe	7,500	1
Mora	11,000	1
Rio Arriba	15,000	1
San Miguel	28,000	3
Santa Fe	19,000	2
Socorro	14,000	2
Taos	12,000	1
Union	7,700	1
Valencia	16,000	2
Total	171,200	19

In the other counties the governor says that the Spanish or Mexican descendants are in the minority or evenly balanced. Granting that they are in the minority, we have 11 counties out of 21 with a majority of Spanish or Mexican descendants and a representation in the lower house of the legislature of 19 to 5. Some of these districts include two counties, but the larger controls. As I have said before, the Mexican element is controlled by a few families of Spanish descent or Castilians, and from the above figures it can be seen that the Territorial government, if changed to statehood, would be in the hands of a few people whose ideas and general characteristics are un-American.

[At this point Mr. KEAN yielded to Mr. BEVERIDGE.]

Friday, February 6, 1903.

Mr. KEAN. Mr. President, I had no idea, as I stated yesterday when I yielded the floor for a moment, that the debate would occupy the whole day. I will resume where I left off in comparing the density of population of the Territories proposed to be admitted as States with that of the other public-land States at the time of their admission to the Union, as shown by the census report nearest the date of their admission.

I have prepared a table showing the time of the establishment of Territorial government, the time of the establishment of State government, the number of years which elapsed between the establishment of the two forms of government in each State which has been admitted into the Union, and showing also the density of population at the time of the formation of State governments according to the nearest census, and the density of population ten years after the date when each State was admitted. It is rather an interesting subject, so I will read it.

Ohio, which was admitted to State government in 1802, had a density of population at the time of her admission of 1.1 to the square mile. In ten years the population had increased to 5.7 to the square mile.

Louisiana was given Territorial government in 1805 and admitted as a State in 1812, seven years having elapsed. At the first census after her admission she had a density of population of 1.7, and ten years later she had a population of 3.4.

Indiana was established as a Territory in 1800 and was made a State in 1816, sixteen years afterwards. She had when she was admitted to statehood a density of population of 0.7 to the square mile by the census of 1810, and in ten years the density of population had increased to 4.1.

Mississippi was established as a Territory in 1798 and admitted to State government in 1817, nineteen years after. She had when she was admitted a density of population of 1.6, according to the census of 1820, and ten years after she had nearly doubled her population, having in 1830 a density of 2.9.

Illinois was given Territorial government in 1809 and admitted into the Union as a State in 1818, nine years afterwards. By the census of 1820 her density of population was 1 to the square mile, and ten years later she had more than doubled it, having 2.8.

Alabama was made a Territory in 1817 and a State in 1819, only two years having elapsed. By the census of 1820 she had a density of population of 2.5, and ten years after she had grown wonderfully, and had a density of population of 6.

Missouri was made a Territory in 1812 and a State in 1821, after nine years had passed. She had, according to the census of 1820, a density of population of 1, and ten years after she had a density of population more than double, or 2.1.

Arkansas, which was organized as a Territory in 1819 and admitted as a State seventeen years after, or in 1836, had a density of population, according to the census of 1830, of 0.6, and ten years after had a density of population of 1.8.

Michigan, which was organized as a Territory in 1805 and admitted as a State in 1837, thirty-two years later, had a density of population by the census of 1830 of 0.2. By the census ten years later she had wonderfully increased, and had a population of 3.7.

Florida in 1822 was made a Territory, and in 1845 admitted as a State, twenty-three years having elapsed. By the census of 1840 she had a density of population of 1, and by the census ten years later she had a density of population of 1.6.

Iowa was established as a Territory in 1838, and eight years later, in 1846, was admitted into the Union as a State. By the census of 1840 she had a density of population of 0.2, and by the census ten years later she showed her eminent qualifications for statehood by having a density of population of 3.5.

Wisconsin was created a Territory in 1836 and admitted as a State twelve years afterwards, in 1848. She had a density of population, according to the census of 1850, of 5.6. Ten years later she had a density of population of 14.2, a marvelous increase.

California was admitted to the Union in 1850. According to her first census she had a density of population of 0.6, and ten years later had a density of population of 2.4.

Minnesota, which was made a Territory in 1849 and admitted as a State in 1858, nine years later, had a density of population, according to the census of 1860, of 2.2, which increased in the next ten years to 5.6.

Oregon, which was made a Territory in 1848 and admitted as a State in 1859, eleven years after, had a density of population, according to the census of 1860, of 0.6. In ten years the density of population had increased to 1.

Kansas in 1854 was made a Territory, and was admitted as a State in 1861, after a period of seven years. By the census of 1860 she had a density of population of 0.9, and by the census ten years later had a density of population of 4.5.

Nevada in 1861 was made a Territory and in 1864, three years later, was admitted as a State. In 1860 she had a density of population of 0.1, and ten years after the density of population had increased to 0.4.

Nebraska, made a Territory in 1854 and admitted as a State thirteen years later, or in 1867, had, according to the census of 1870, a density of population of 1.6, and according to the census ten years later had a density of population of 5.9 to the square mile.

Colorado was made a Territory in 1861, admitted in 1876, fifteen years afterwards; had a density of population by the census of 1880 of 1.9, and ten years after she had a density of population of 4. North Dakota was made a Territory in 1861 and South Dakota the same year; admitted as States in 1889, twenty-eight years after they were made Territories, and had a density of population, according to the census of 1890, the way they had divided it, of 2.7 in 1890 for North Dakota, and ten years thereafter it was 4.5. In South Dakota in 1890 it was 4.5 and ten years thereafter 5.2. Montana was made a Territory in 1864, was admitted as a State in 1889, twenty-five years after having been made a Territory; the density of population was 1 in 1890 and ten years thereafter 1.7. Washington was made a Territory in 1853, was admitted as a State in 1889, thirty-six years thereafter. In 1890 the density of population was 5.3 and ten years thereafter 7.7. Idaho was made a Territory in 1863, admitted as a State in 1890, having been a Territory twenty-seven years; the density of population was 1.1, and ten years thereafter was 1.9. Wyoming was made a Territory in 1868 and a State in 1890, twenty-two years having elapsed. It had a density of population of 0.6 and increased in ten years to 0.9. Utah was made a Territory in 1850 and a State in 1896, after forty-six years under Territorial government; the density of population was 2.6 according to the census of 1890, and 3.4 ten years after.

Now we come to Arizona and New Mexico. Arizona was made a Territory in 1863, New Mexico in 1850. Forty years after having been made a Territory, in New Mexico the density of population in 1890 was 1.3 and by the last census 1.6. Arizona, twenty-seven years after she was made a Territory, had a density of population of 0.8 in 1890 and 1.1 in 1900.

The population of New Mexico, according to the last census, has grown to a little over three times that which she had when she first became a Territory, in 1850. The total number of square miles of land surface in New Mexico is 122,460. The average number of persons to the square mile in 1890 was 1.3 and in 1900 1.6, an increase of 0.3 person to the square mile in ten years—a marvelous growth, as the Senator from Ohio [Mr. FORAKER] says.

Notwithstanding the small population in the rural districts, there are only seven towns in the Territory which have more than 2,000 inhabitants.

Mr. BEVERIDGE. Will the Senator from New Jersey permit me?

Mr. KEAN. Certainly.

Mr. BEVERIDGE. I was reading day before yesterday the speech of the Senator from West Virginia [Mr. ELKINS] when he was a Delegate in the House, in 1874, and was asking for the admission of New Mexico; and in 1874, nearly thirty years ago, he stated that the population of New Mexico was 135,000. If he was correct then, and who shall dispute that he was, there has been an increase since then of only about 60,000 in thirty years. I wondered whether the Senator's researches sustained that conclusion of the Senator from West Virginia. If they did, of course, it would show the largeness and importance of the growth of population and immigration down there since.

Mr. KEAN. I think the increase has been great since that time, but I doubt very much whether the Delegate from the Territory of New Mexico stated with great accuracy the population at that time. I think he was engaged, as a good many other people are, in booming the Territory, and probably they had a census made for the purpose of admission. I do not know; I have not looked at the figures lately, but I should say that the Senator did not leave out any of the population at that time.

Mr. BEVERIDGE. If the Delegate at that time in his speech was booming the Territory, attention should be called to the fact that it was on that speech that the bill passed the House at that time. So if that be true there was rather an unreliable basis for statehood then.

Mr. KEAN. I am sorry the Senator from West Virginia is not here, because I think his mind might be refreshed on the speech he made at that time.

Mr. BEVERIDGE. I join the Senator from New Jersey in that regret. I am always sorry when the Senator from West Virginia is absent.

Mr. KEAN. As I was saying, Mr. President, there are only seven towns in the Territory which have more than 2,000 inhabitants, and the largest is Albuquerque, with 6,238. While most of the counties have increased somewhat in population, four of them have actually decreased—Lincoln from 7,081 in 1890 to 4,935 in 1900; San Miguel from 24,204 in 1890 to 22,053 in 1900. Mora County has lost 300 and Sierra County about 500 in the same period.

Now let us look at the advantages the citizens of New Mexico have had according to the governor's report:

The material progress of New Mexico is not more marked than is its advantages along the path of morality. That a high standard of public morals prevails here is further shown by the very large number and character of religious organizations, and it is a fact not to be questioned that the percentage of regular churchgoers in New Mexico is far ahead of that of the average in the States.

The various church organizations are in charge of refined and cultivated men and are well represented. The following named churches are all well attended throughout the Territory in every county and city: Catholic, Episcopal, Methodist, Methodist Episcopal, Methodist Episcopal South, Presbyterian, Congregational, Christian, Baptist, Mormon, African Methodist, African Baptist, and others.

The Catholic Church has been in New Mexico so long that the governor can not even set the date when it came there. He simply says that it was the first to occupy the field.

"The first Protestant church to enter the Territory was the Baptist, in 1850." I imagine that there were no other churches except the Catholic Church in New Mexico before that time. Then came the Methodists, in 1851; the others followed some years after. With the same missionary spirit that the United States has developed and shown all over the world, religion spread to the new Territories very rapidly.

Next to the schools, says the governor, the immigrant inquires concerning the church facilities. With all of this refining influence, opportunity for education, for advancement, the percentage of illiterate persons in New Mexico over 10 years of age reaches the enormous figures of 33.2.

Mr. McCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maryland?

Mr. KEAN. Certainly.

Mr. McCOMAS. The interesting statement made by the Senator from New Jersey suggests to me an inquiry with respect to that great Protestant body, the Baptists. I want to know if in that arid country there has been a rapid increase of that branch of the Baptist Church which believes in immersion?

Mr. KEAN. I am sorry that I could not find that in the census. The religious census for 1890 is the latest I have, and I can not give the Senator the exact number of Baptists there. I can give the number of Mormons.

Mr. BEVERIDGE. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. KEAN. Certainly.

Mr. BEVERIDGE. Will the Senator again give the figures with reference to illiteracy? The last the Senator gave was 33.2 per cent. Will the Senator give the whole of those figures?

Mr. KEAN. The percentage of illiterate persons in New Mexico?

Mr. BEVERIDGE. Yes.

Mr. KEAN. Those over 10 years of age reached the enormous figure of 33.2 per cent.

Mr. BEVERIDGE. That is all of them?

Mr. KEAN. That is all.

The census for 1900 shows that—

The largest proportion of white persons of foreign parentage 10 years of age and over who can not speak English are found in New Mexico, Arizona, and Texas.

That is, comparing all of the United States.

In New Mexico those reported as unable to speak English constitute fully one-third (33.8) of all the white persons of foreign parentage 10 years of age or over, while in Arizona and Texas the percentages are very nearly as large. New Mexico has even a larger percentage of its native white population of Spanish descent who can not speak English. Such persons number 53,931 and constitute 51.1 per cent of all the native white persons of native parentage 10 years of age and upward in that Territory in 1900, as compared with 60.9 per cent in 1890.

So they had improved 8.8 per cent in ten years. This shows a woeful lack of intelligence in a people who have had the advantages of the educational and refining influence of the Catholic Church for generations, and of other denominations for over fifty years.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. KEAN. Certainly.

Mr. BEVERIDGE. The 51 per cent, as I understand, is confined to those 10 years of age and over who are of native parentage; that is, it does not include any of the immigrants from any other place.

Mr. KEAN. That is correct.

Mr. BEVERIDGE. So if to that were added all those who

have come in from Mexico or any place else who can not speak English, the percentage would necessarily be very much larger.

Mr. KEAN. That is correct.

Mr. BEVERIDGE. The 51 per cent of whom the Senator speaks, being confined to those of native-born parents who have lived there, is the minimum amount. That is the point I rather inferred from the Senator's remarks; and if so, I wanted to make it clear at least to my own mind.

Mr. KEAN. Let us look further into their enlightenment. Post-offices are always an indication of advancement and learning. Where they multiply rapidly one may at least be sure of finding a knowledge of writing. On January 1, 1903, there were but 373 post-offices of all classes in New Mexico. The total number of square miles is 122,580, which gives an average of 1 office to every 328 square miles of territory.

You can see that the Delegate does not have his hands very full in making post-office appointments, even though he does represent 122,580 square miles of territory.

Now, compare this with Mississippi—and I make no reflection upon that State, where the percentage of illiteracy is 32, owing to its large colored population—and we find there 2,155 post-offices; 46,810 square miles of territory, or 1 office to 21 square miles—a difference of 307 square miles; rather striking, to my mind. Or compare it to Pennsylvania, the State with the largest number of post-offices, 4,963, whose territory covers 45,215 square miles, and we have 1 office to every 10 square miles. Illiteracy in Pennsylvania in 1900 was 6.1 per cent. I suppose with the diligence that Pennsylvanians always exert in establishing offices, and especially post-offices, they will soon have 1 office to every 3 square miles.

The total postal receipts of New Mexico for the fiscal year ending June 30, 1902, were, in round numbers, $179,000, and the population, according to the governor's report, was 246,000, which would make an average expenditure per year of 72 cents per person. The total postal receipts of the United States for 1900 per capita, including Indians, were about $1.34, almost twice as much as that of New Mexico.

Now as to the growth of industries in New Mexico. The Senator from Ohio called attention to the rapid growth of internal-revenue receipts in New Mexico and Arizona. I find on consulting these figures that they are as follows:

1892	$39,778.14
1893	48,886.68
1894	36,720.56
1895	41,308.22
1896	36,404.43
1897	38,019.29

I call attention to the varying character of these figures. They are not steady. They are not stable. They do not increase with regularity. They decline. Then they come up again. They are fluctuating.

It will be noticed that the receipts actually decreased from 1892 to 1897, although in 1893 and 1895 the receipts did reach a higher figure than in 1892. In 1898 the effect of the war tariff was felt and the figures took a jump.

1898	$51,733.83
1899	132,867.28
1900	131,256.67
1901	120,308.27

It will be noticed again that the receipts were the largest in 1899, when the full effect of the war tariff was felt, and that they diminished year after year until the fiscal year ending June 30, 1902, when they amounted to but $76,720.18.

Of this amount, $37,847.80 was collected in New Mexico. I suppose Arizona and New Mexico are one revenue district, and therefore these figures are put together by the Internal-Revenue Office.

All statistical reports I have consulted show that the population of Arizona and New Mexico have only awakened in the past few years from a state of lethargy. For forty years these Territories made but little progress—mining and cattle raising being the principal industries; agriculture cut but a small figure, and was indulged in by a few Mexicans who had small farms or ranches along the two rivers in the Territory. Some years the farmers are prosperous, but often the crops are wiped out by the sudden floods which come down the rivers without warning, and many of the inhabitants have been reduced to such poverty by these inundations that they were on the verge of starvation. Whole sections of so-called farms along the rivers have been flooded in a few hours and made absolutely useless for months. No population but Mexicans could stand or tolerate these conditions; they can live on as near nothing as a Chinaman. A few mesquite beans and a little bacon fat will keep them alive. A goat will not eat mesquite beans if it can find anything else.

During the past ten years immigrants have arrived in the Territory, and the farming industry is assuming larger proportions. If this Territory progresses in the future as it has in the past ten years, it will be entitled to statehood ten years from now, but at the present time the population is too illiterate, un-American, and fluctuating for the proposition to be considered.

I will leave the Territory of New Mexico for the present and take up Arizona. In the Territory of Arizona the population is but a little more intelligent than in New Mexico. The illiteracy there, as shown by the last census, is 29 per cent, but the Mexican population is not so large. The number of post-offices there in January, 1903, was 248, and the area of the Territory is 113,020 square miles, which is equivalent to 1 office to every 455 square miles. The total postal receipts for the fiscal year ending June 30, 1900, were $179,231, and the population in 1900 was 122,931, which gives an average expenditure per capita of $1.46. This average is higher than New Mexico, although the number of post-offices in Arizona is much less and the area they cover is much greater. However, the percentage of illiteracy in Arizona is but 29 to 33.2 in New Mexico, which supports my statement that post-office receipts are an indication of the intellectual condition of the people inhabiting the State or Territory.

The existence of a large number of Mormons in the Territory of Arizona has given rise to considerable uneasiness on the part of many of my constituents and also the citizens of other States. I have received hundreds of petitions in regard to this subject, asking me to vote in favor of an amendment to the Constitution prohibiting polygamy. How much more are these people against admitting to statehood a Territory in which Mormonism already has a strong and growing hold—a Territory in which the Mormons now hold the balance of power, and if they increase in the future as they have in the past they will soon be the power.

[At this point Mr. KEAN yielded the floor for the day.]

Saturday, February 7, 1903.

Mr. KEAN. Mr. President, when interrupted yesterday I was speaking of Mormonism, and I shall now begin where I then left off.

I have nothing to say against the Mormon as an agriculturist, he is one of the best; as a citizen, he is sober and industrious; but it is the degrading practice of polygamy and the power of the church in politics to which I object. How can I support a bill in which these questions are treated with so little weight? The act says:

> First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

This only prohibits polygamous or plural marriages. It does not say that they shall not be tolerated or recognized if made in other countries or States. It does not prohibit the continuation of polygamic cohabitation in marriages that have already taken place. It has not the force and effect of the so-called Edmunds Act.

I am not opposed to any creed or any church if that creed or church is not opposed to the Constitution of the United States and our form of government. I shall quote here from an editorial which I saw in a recent issue of the Northwestern Christian Advocate:

> The history of the Mormon Church shows it to have been a law-defying, even murderous, organization, so far as its leadership is concerned, the common members being simply the ignorant tools of the leaders. There is little doubt that the rank and file of the church rebel in their hearts against many things which have been required of them in the past by the leaders, and they would be compelled to openly practice polygamy to-day and commit crimes against the laws and against society but for fear of the Federal Government. Their loyalty to the memory of Brigham Young is evidence that in their hearts the leaders, at least, are disloyal to the Government. Brigham Young said in a public meeting in the tabernacle in Salt Lake City in 1872: "I have chosen Brother Cannon to represent us in Congress, because I mean to cram polygamy down the throats of the American people." George Q. Cannon, who was thus sent to Congress by Brigham Young, in a speech delivered in the presence of 10,000 people in the same tabernacle in 1881, said: "The Government of the United States will be powerless in the future, as it has been in the past, to enforce the antipolygamy or any other law detrimental to the interests or the progress of the Kingdom of God on earth. Nineteen years ago, on the 2d of last July, the Congress of the United States passed a law to prohibit polygamy in the Territory. How much prohibition has the law effected? How many of us have been punished for the practice of polygamy?"
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> Hon. P. T. Van Zile, attorney-general of Utah, declared: "The ruling party here not only violates the solemn mandates of the United States Government, but they openly and publicly defy the Government and its officers to enforce the laws." It is a well-known fact that the Mormon priesthood for years has set at defiance the national authority and has killed or driven out of the Territory many of the United States governors, judges, and other officers. President Garfield, in his inaugural, said: "It is a reproach to our Government that, in the most populous of the Territories, the authority of Congress is set at naught." The attitude of the Mormon Church was thus described by Schuyler Colfax, Speaker of the House of Representatives and Vice-President: "A barbaric institution which degrades women, defies our national law, scouts at our national judiciary, mocks at our national authority, stains our national escutcheons, and reviles all who lift their voices against it." President Taylor of the Mormon Church said: "Let the Government so much as lay its finger upon us and we will show the people of the United States what we can do." Brigham Young, jr., one of the twelve apostles, said: "What do we care for the Government of the United States? As far as I am concerned, I have had enough of this thing." There has been no change of heart among the Mormons. They believe as they did when these defiant words were uttered.
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> Mormonism is for the present simply silent, awaiting an opportunity when

it may have power to control the legislation of the Government in its own interests. It is spreading into the States and Territories of the Far West and hopes in time to be able to control these. For this reason, if for no other, Arizona and New Mexico should not be admitted at present into the Union as States. The admission of Utah before an amendment to the Constitution prohibiting polygamy or plural marriage in any form had been adopted was a mistake. To increase the political power of the Mormons by the admission of new States which they control will give life to the viper which will strike at the heart of the American home and of the nation. (Northwestern Christian Advocate, January 28, 1903.)

Mr. President, in my opinion, every word of that editorial is true. Polygamy is practiced to-day, but in countries where the law is more lenient. Let me read from the Mormon Book of Doctrine and Covenants. First, I will quote from the Articles of Faith of the Church of Jesus Christ of Latter-Day Saints; but instead of reading all of them I will read but a few, and ask that the rest be printed as part of my remarks.

Section 9 reads:

We believe all that God has revealed, all that He does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God.

Section 132 is a "Revelation on the eternity of the marriage covenant, including plurality of wives. Given through Joseph the Seer, in Nauvoo, Hancock County, Ill., July 12, 1843." I will insert portions of this section in my remarks, as I do not care to read it all at the present time.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). In the absence of objection, it will be so ordered.

The matter referred to is as follows:

REVELATION ON THE ETERNITY OF THE MARRIAGE COVENANT, INCLUDING PLURALITY OF WIVES—GIVEN THROUGH JOSEPH THE SEER, IN NAUVOO, HANCOCK COUNTY, ILL., JULY 12, 1843.

1. Verily, thus saith the Lord unto you, my servant Joseph, that inasmuch as you have inquired of my hand, to know and understand wherein I, the Lord, justified my servants Abraham, Isaac, and Jacob; as also Moses, David, and Solomon, my servants, as touching the principle and doctrine of their having many wives and concubines.

2. Behold and lo! I am the Lord thy God, and will answer thee as touching this matter.

3. Therefore, prepare thy heart to receive and obey the instructions which I am about to give unto you; for all those who have this law revealed unto them must obey the same.

4. For behold! I reveal unto you a new and everlasting covenant; and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory.

5. For all who will have a blessing at my hands shall abide the law which was appointed for that blessing, and the conditions thereof, as were instituted from before the foundation of the world.

6. And as pertaining to the new and everlasting covenant, it was instituted for the fullness of my glory; and he that receiveth a fullness thereof must and shall abide the law, or he shall be damned, saith the Lord God.

* * * * * * *

61. And again, as pertaining to the law of the priesthood: If any man espouse a virgin, and desire to espouse another, and the first give her consent; and if he espouse the second, and they are virgins, and have vowed to no other man, then is he justified; he can not commit adultery, for they are given unto him; for he can not commit adultery with that that belongeth unto him and to no one else.

62. And if he have ten virgins given unto him by this law, he can not commit adultery, for they belong to him, and they are given unto him; therefore is he justified.

63. But if one or either of the ten virgins, after she is espoused, shall be with another man, she has committed adultery, and shall be destroyed; for they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my Father before the foundation of the world; and for their exaltation in the eternal worlds, that they may bear the souls of men; for herein is the work of my Father continued, that he may be glorified.

Mr. KEAN. Mr. President, this is still the belief, though it may not be the practice, of the people residing in Utah. In 1890 the head of the Mormon Church in "anguish and prayer cried to God for help for his flock and received the permission to advise the members of the Church of Jesus Christ of the Latter-Day Saints that the law commanding polygamy was henceforth suspended."

I call the attention of the Senate to the mild words. They suspended the law by revelation. I have looked carefully through their Book of Doctrine and Covenants, but I can not find that this revelation has ever been published in it. It is one of those that never has been published. It was only suspended.

This book was published in 1901 and there is an appendix attached to it, but I can not find that they even thought it worth while to publish the fact that it had been suspended.

This octopus of the Mormon Church, with its head safely established in the State of Utah, is spreading its many arms throughout the United States.

I have here a little leaflet issued from Salt Lake City in 1902, called "The Latter-Day Saints—Their Religion, History, Condition, and Destiny." I will read a few paragraphs from this little book to show how Mormonism is going on in these days. I read from page 59, relating to present conditions.

PRESENT CONDITION.

The results of the industry, integrity, and thrift of the Saints, as shown by their present condition, are a complete refutation of the accusations of evil made against them. A corrupt tree can not bring forth good fruit. Utah, the chief center of their gathering place, has a population of 270,000, 75 per cent being "Mormons." Ninety per cent of the heads of families live in their own houses and on their own lands. The fruitful orchards, rich fields and farms, successful industries, and beautiful cities, towns, and villages, present to the view a paradise upon earth; while the vigor and cheerfulness of old and middle-aged and young betoken the health, prosperity, and happiness which are God's own gifts to this people, in whose hearts dwells more abundantly than in those of any other community that love of God and of their fellow-men which is the fruit of a pure and noble life in the service of the great Creator.

I desire to call especial attention to this paragraph:

Not alone in Utah do the Latter-Day Saints find a home. Their hundreds of settlements bedeck the mountain valleys from the Province of Alberta, in Canada, through Montana, Oregon, Idaho, Nevada, Wyoming, Utah, Colorado, Arizona, and New Mexico, in the United States, to Chihuahua, in old Mexico, on either side of a line which reaches 1,500 miles along the backbone of the American continent.

So it will be seen, Mr. President, that in this little leaflet they put out a claim that they are now covering the backbone of the American continent for more than 1,500 miles and extended into Mexico when driven out of the United States. Are we to allow this evil to grow among us? Are we to admit to statehood Territories without first assuring ourselves that the practice of polygamy and domination of church influences in politics can not live there? I do not think there would be any doubt whatever as to their answer if this subject were submitted to the American people.

During this session of Congress many petitions have been presented here by me and by other Senators, which we have had referred to the Committee on the Judiciary, asking for a constitutional amendment to strengthen the law against polygamy. Knowing those petitions to exist and knowing in a great many instances the people from whom they come, I could not be silent and refrain from urging some more stringent measure being put in this bill than the words it now contains.

The petitions that have been presented here asking for an amendment to the Constitution to prohibit polygamy read as follows:

We, the undersigned, legally qualified voters (or women citizens) of the State of New Jersey, do hereby petition you to use your best endeavors to secure prompt action in the Fifty-seventh Congress, proposing an amendment to the National Constitution and submitting the same to the legislatures of the several States, defining legal marriage to be monogamic, and making polygamy and polygamous cohabitation, under whatsoever guise or pretense, a crime against the United States, punishable by severe penalties, including disfranchisement and disqualification to vote or hold any office of honor or emolument under the United States or any State or Territory thereof.

I believe that nearly every member of this body has received similar petitions. I feel sure that every man and woman of my State who signed these petitions, and every other person, would oppose the admission of these Territories if they knew that polygamy was not to be stamped out before they became part of the Union. Yes, Mr. President, not only the citizens of New Jersey, but the citizens of these United States, are interested in this matter. This question has not been brought to them as it should have been. Each day brings out some new feature in this bill which the public knows nothing about. We want to discuss this matter; we want the people to know what we are doing, and we want them to know why we are opposing this omnibus statehood bill.

I will call attention to the legislation that has been enacted by Congress to crush out polygamy in this country, and I will then try to show what effect it has had upon this practice, so as to demonstrate the necessity for further legislation.

The first legislation upon this subject was enacted in July, 1862, and is contained in the Revised Statutes, section 5352. This section provided:

Every person having a husband or wife living, who marries another, whether married or single, in a Territory, or other place over which the United States have exclusive jurisdiction, is guilty of bigamy, and shall be punished by a fine of not more than $500, and by imprisonment for a term of not more than five years; but this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage is absent for five successive years, and is not known to such person to be living; nor to any person by reason of any former marriage which has been dissolved by decree of a competent court; nor to any person by reason of any former marriage which has been pronounced void by decree of a competent court on the ground of nullity of the marriage contract.

This is the law of which George Q. Cannon spoke in his speech in Salt Lake, when he said, among other things:

Nineteen years ago on the 2d of last July the Congress of the United States passed a law to prohibit polygamy in the Territory. How much prohibition has that law effected? How many of us have been punished for the practice of polygamy?

These are the words used by the man Brigham Young selected to represent the Territory of Utah in the halls of Congress, the man whom he sent here "to cram polygamy down the throats of the American people."

Mr. President, after trying for years to enforce this law in the Territories, meeting with failure at almost every attempt to convict under it, the Congress of the United States passed an act to amend section 5352 of the Revised Statutes, on March 22, 1882. This act was made as strict and specific as possible. It covered every subject of Mormonism, even going so far as to try and break up their organization, and yet it was not successful, and the practice of polygamy was not stopped, for in 1887 another act

amending the act to amend section 5352 of the Revised Statutes was passed—a law which we all know, commonly called the Edmunds Act.

The provisions of that law at least ought to be extended to the Territories of New Mexico and Arizona before they are admitted as States.

Mr. President, the United States tried in every way possible to suppress polygamy in its Territories. It passed three laws upon the subject, each successive one being stronger and more specific than the other; the legislatures of several of the Territories enacted laws which even went so far as to disfranchise any person professing the Mormon religion; Congress authorized the appointment of a commission—the Utah Commission—to supervise the elections, and to report the condition of the Territory of Utah to the Secretary of the Interior, which it did to the best of its ability. But, Mr. President, it was not until Utah came before Congress with its request to be admitted as a State that the Mormons discovered that unless they took some action in regard to polygamy she would never be admitted. It was then and not before that a revelation from God suspended the practice of polygamy.

I will read from the report made from the Committee on Territories by Mr. Kilgore, who was a member of the House from Texas. I had the pleasure of serving with him in the House. He submitted a report, from which I read the following:

Mr. Kilgore, from the Committee on the Territories, submitted the following report, to accompany H. R. 352:

Your committee, to whom was referred the bill (H. R. 352) entitled "A bill to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States," have had the same under consideration and respectfully report as follows:

On January 4, 1890, President Harrison issued the following:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas Congress, by a statute approved March 22, 1882, and by statutes in furtherance and amendment thereof, defined the crimes of bigamy, polygamy, and unlawful cohabitation in the Territories and other places within the exclusive jurisdiction of the United States, and prescribed a penalty for such crimes; and

Whereas on or about the 6th day of October, 1890, the Church of the Latter-Day Saints, commonly known as the Mormon Church, through its president, issued a manifesto proclaiming the purpose of said church no longer to sanction the practice of polygamous marriages, and calling upon all members and adherents of said church to obey the laws of the United States in reference to said subject-matter; and

Whereas it is represented that since the date of said declaration the members and adherents of said church have generally obeyed said laws and have abstained from plural marriages and polygamous cohabitation; and

Whereas by a petition dated December 19, 1891, the officials of said church, pledging the membership thereof to a faithful obedience to the laws against plural marriages and unlawful cohabitation, have applied to me to grant amnesty for past offenses against said laws, which requests a very large number of influential non-Mormons residing in the Territories have also strongly urged; and

Whereas the Utah Commission, in their report bearing date September 15, 1892, recommend that said petition be granted and said amnesty proclaimed, under proper conditions as to the future observance of the law, with a view to the encouragement of those now disposed to become law-abiding citizens; and

Whereas during the past two years such amnesty has been granted to individual applicants in a very large number of cases, conditioned upon the faithful observance of the laws of the United States against unlawful cohabitation, and there are now pending many more such applications: Now,

Therefore I, Benjamin Harrison, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons liable to the penalties of said act by reason of unlawful cohabitation under the color of polygamous or plural marriage, who have since November 1, 1890, abstained from such unlawful cohabitation; but on the express condition that they shall in future faithfully obey the laws of the United States hereinbefore named, and not otherwise.

Those who shall fail to avail themselves of the clemency hereby offered will be vigorously prosecuted.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourth day of January, in the year of our Lord one thousand eight hundred and ninety-three, and of the Independence of the United States the one hundred and seventeenth.

[SEAL.] BENJAMIN HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

DISCONTINUANCE OF POLYGAMY.

The manifesto referred to by the President in his amnesty proclamation was issued by the president of the Mormon Church on September 25, 1890. This is the manifesto:

To whom it may concern:

Press dispatches having been sent for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized, and that forty or more such marriages have been contracted in Utah since last June or during the past year; also that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy.

I, therefore, as president of the Church of Jesus Christ of Latter-Day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any number of plural marriages have during that period been solemnized in our temples or in any other place in the Territory.

One case has been reported in which the parties alleged that the marriage was performed in the endowment house, in Salt Lake City, in the spring of 1889, but I have not been able to learn who performed the ceremony. Whatever was done in the matter was without my knowledge. In consequence of this alleged occurrence the endowment house was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

There is nothing in my teachings to the church or in those of my associates, during the time specified, which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey any such teaching he has been promptly reproved, and I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the laws of the land.

WILFORD WOODRUFF,
President of the Church of Jesus Christ of Latter-Day Saints.

On the 6th day of October, 1890, eleven days after the manifesto was issued, the church met in general conference. It is estimated that from ten to fifteen thousand people were present. Every quorum and council of the church, from the first presidency and twelve apostles down to the least authority in the church, were represented. There were officers and members present from every stake in Utah, and from all the country round about. This manifesto was read to that assembly, and Lorenzo Snow, the president of the council of apostles, the next highest authority in the church to the first presidency, made the following motion, which was unanimously adopted:

"I move that, recognizing Wilford Woodruff as the president of the Church of Jesus Christ of Latter-Day Saints, and the only man on the earth at the present time who holds the keys of the sealing ordinances, we consider him fully authorized by virtue of his position to issue the manifesto which has been read in our hearing and which is dated September 25, 1890, and that as a church in general conference assembled we accept his declaration concerning plural marriage as authoritative and binding."

Referring to this manifesto in his message to the Secretary of the Interior for the year 1891, the governor of Utah says:

"I have no doubt that, as they have been led to believe it was put forth by Divine sanction, it will be received by the members of the Mormon Church as an authoritative rule of conduct, and that, in effect, the practice of polygamy is formally renounced by the people."

One year after, the church spoke again on this important subject. On October 6, 1891, the first presidency of the church made the following official declaration to the conference, which was unanimously indorsed by the vast assemblage present:

"Concerning the official report of the Utah Commission made to the Secretary of the Interior, in which they allege, 'During the past year, notwithstanding the "manifesto," reports have been received by the Commission of 18 male persons who, with an equal number of females, are believed to have entered into polygamous marriages' during the year, we have to say it is utterly without foundation in truth. We repeat in the most solemn manner the declaration made by President Wilford Woodruff at our general conference held last October, that there have been no plural marriages solemnized during the period named.

"Polygamy or plural marriage has not been taught, neither has there been given permission to any person to enter into its practice, but, on the contrary, it has been strictly forbidden.

"WILFORD WOODRUFF,
"GEORGE Q. CANNON,
"JOSEPH F. SMITH,
"*First Presidency of the Church of Jesus Christ of Latter-Day Saints.*"

Then came the petition for amnesty, from which I will read:

SALT LAKE CITY, *December 19, 1891.*

To the PRESIDENT:

We, the first presidency and apostles of the Church of Jesus Christ of Latter-Day Saints, beg respectfully to represent to your excellency the following facts:

We formerly taught to our people that polygamy, or celestial marriage, as commanded by God through Joseph Smith, was right; that it was a necessity to man's highest exaltation in the life to come.

That doctrine was publicly promulgated by our president, the late Brigham Young, forty years ago, and was steadily taught and impressed upon the Latter-Day Saints up to a short time before September, 1890. Our people are devout and sincere, and they accepted the doctrine, and many personally embraced and practiced polygamy.

When the Government sought to stamp the practice out, our people almost without exception remained firm, for they, while having no desire to oppose the Government in anything, still felt that their lives and their honor as men were pledged to a vindication of their faith, and that their duty toward those whose lives were a part of their own was a paramount one, to fulfill which they had no right to count anything, not even their own lives, as standing in the way. Following this conviction, hundreds endured arrest, trial, fine, and imprisonment, and the immeasurable suffering borne by the faithful people no language can describe. That suffering, in abated form, still continues.

More, the Government added disfranchisement to its other punishments for those who clung to their faith and fulfilled its covenants.

According to our faith the head of our church receives from time to time revelations for the religious guidance of his people.

In September, 1890, the present head of the church, in anguish and prayer, cried to God for help for his flock, and received the permission to advise the members of the Church of Jesus Christ of Latter-Day Saints that the law commanding polygamy was henceforth suspended.

That is all I will read at the present time.

Mr. SPOONER. What is the date of that report?

Mr. KEAN. It is the report made by Mr. Kilgore on the bill to admit the Territory of Utah as a State, and the date of this petition is December 19, 1891, when they had a vision to suspend polygamy so that they could be admitted into the Union as a State. I said—I do not know that the Senator from Wisconsin was present at the time—that I looked all through the Book of Doctrine and Covenants of the Mormon Church, published in 1900, with an appendix attached thereto, but I failed to find that they have put this decree suspending polygamy in it.

The Senator from Idaho [Mr. DUBOIS] and the Senator from Utah [Mr. RAWLINS] have both told us of the influence of the Mormon Church in politics even now. The Senator from Idaho said that "if the Mormon people should flagrantly, through their first presidency—those who have authority—openly interfere in

politics in Idaho, I would guarantee to take the stump in that State and disfranchise every Mormon in one campaign." Of course this is possible where the Mormons are not in power, but it would be absolutely impossible to do it if they were in the majority.

Mr. President, before Utah was admitted as a State it presented to Congress a constitution in which were strict provisions against bigamy and polygamy. I will read that section of the constitution. It is as follows:

SEC. 12. Bigamy and polygamy being considered incompatible with "a republican form of government"—

Strange words—

each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than $1,000 and imprisonment for a term not less than six months, nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

Thus the power to change this clause and the power to pardon were taken out of the hands of the officers to be elected by the Mormon Church. Even after the enabling act passed the House, the Mormons of the legislature tried to change the election laws, but the act was vetoed by the governor.

I will read now in support of what I have said from the report of the Utah Commission, found in House Executive Document 1894–95, volume 16, page 479.

CHANGE IN ELECTION LAWS—ATTEMPTED.

During the session of the legislative assembly which convened on the 8th day of January, 1894, a bill was introduced providing for an act to restore the control of elections to the county courts of the several counties throughout the Territory, and which, in effect, would have repealed section 9 of the act of March 22, 1882, except as to the qualifications of voters and officeholders, and in addition thereto to impose upon the assessors of each county the duties of registration officers, and gave to the county courts the power to appoint all judges for general and special elections.

The above bill passed both branches of the legislature, but was vetoed by the governor, who, in returning the measure unsigned, submitted the following communication:

To the Speaker of the House of Representatives:

SIR: I herewith return without approval the bill for an act to restore the control of elections to the respective county courts of Utah (H. R. No. 34, by Mr. Allen), deeming it an ill-advised attempt to revise and alter Congressional legislation. By the Edmunds Act Congress disqualified a certain class of persons from voting. These disqualifications can only be removed by Congress, and this act can not take effect unless approved by Congress. In the enabling act for the admission of Utah, which has already passed the House of Representatives and is now pending in the Senate, with promise of early consideration, Congress recognizes the changed conditions existing in the Territory and, in effect, removes the disqualifications imposed by the Edmunds Act. I do not think it wise, after favorable action by one branch of Congress upon this important subject, to submit the present bill and thus afford an opportunity, if not an invitation, for the reconsideration of what has already been done toward restoring the franchise to persons now disqualified, besides causing delay, and perhaps imperil the enabling act. It could not hasten the desired consummation, and might retard statehood. While it is desirable to place the control of elections in the hands of the people, it is certainly more desirable to remove from a large class of our citizens the disqualifications that are now not only unnecessary but unjust, and we can not afford to jeopardize our chances of getting the greater boon in the hope of obtaining the lesser, which will swiftly follow the enabling act. Besides, we are assured that the present system will be administered during its future brief existence by bona fide citizens of our Territory.

I am, sir, very respectfully,

CALEB W. WEST, *Governor.*

EXECUTIVE OFFICE,
Salt Lake City, March 8, 1894.

Mr. President, I can not find that the proposed constitution of Arizona contains any such clause as that of Utah. The present laws on her statutes in regard to polygamy, other than the application of the United States laws, are not at all severe. In fact they are practically the same as section 5352 of the Revised Statutes which the Mormons defied with impunity.

I will now read from the report of the Utah Commission their recommendation in regard to a constitutional amendment with respect to polygamy. Those Commissioners, I suppose, knew more about this general question than anyone else, with the possible exception of the Senators from Idaho and Utah. They had it under consideration at that time, and I think they were amply able to judge. And yet after the passage of all the laws trying to suppress polygamy, after exercising the powers given to them, and after stating that they believed that polygamy had practically ceased to exist in Utah, they advised an amendment to the Constitution as a remedy for the future troubles that might arise. I will read that part of the report. It is found in House Executive Document, 1893-94, volume 15, page 416.

POLYGAMY.

The early and continued disfavor incurred by the Mormons in Utah arose from their profession and defense of plural marriage as a cherished tenet of their religious and social system. From 1847 to July 1, 1862, such marriages were contracted in increasing numbers and with impunity. The Poland Act of 1882—

Which is the one I referred to before—

denounced polygamy as a crime punishable with fine and imprisonment, but for fourteen years after the date of that act no conviction was had under it. This failure of criminal justice was attributable to several causes—to altercations respecting the boundaries of the spiritual and secular jurisdictions, to the unwillingness of the Mormons to convict or indict polygamists, and to the hesitation of the courts to reject jurors as triers of an issue regarding which their minds were affected by religious bias. It is enough to say in this connection that in 1878 the Supreme Court of the United States, in Reynolds *v.* The United States, swept away all of these hindrances in the courts of justice, and that Congress in 1882 and 1887 added another motive for obedience to the laws by providing that sexual offenders should be disqualified to vote, hold office, or perform jury service. This provision seems to have been intended to operate as an electoral regulation and not as a criminal penalty.

REFORM.

Important consequences followed this action of Congress and of the court of last resort. The spirit of reform was awakened, the laws were promptly and strictly enforced, and the test oath as a precedent condition to the exercise of the elective franchise was taken and subscribed by Mormons as well as non-Mormons. Later in 1887 the Mormon electors in the Territory framed, adopted, and proposed a constitution for Utah as a State, containing provisions, irrevocable without the consent of Congress, penally prohibiting sexual offenses and negativing the pardon of sexual offenders without the approval of the President.

In 1890 the Mormon Church, through its president, Wilford Woodruff, declared its opposition to further plural marriages and advised obedience to the laws forbidding them. In 1891 the People's or Mormon party of Utah dissolved its political organization in contemplation of a reconstruction of political parties in the Territory upon a wider and more liberal basis; and in 1892 the legislative assembly passed an act adopting the provisions of the Edmunds law and Edmunds-Tucker law, respectively, denouncing and punishing polygamy as a crime and recognizing the original exclusive jurisdiction of the district courts in the Territory (created by Congress) to hear and determine all such cases arising under that act.

THE UTAH COMMISSION.

The Utah Commission was organized under the Edmunds law of 1882 as one of the agents to be employed for the suppression of an obstinate social evil. The members of the Commission were, in the first instance, appointed by President Arthur from different political parties, conformably to that law, and, at the same time, from as many as five States, for the reason, as assigned, that such persons would be unlikely to be biased by the dissensions which had so long disturbed the Territory. This precedent, set by President Arthur, has hitherto been substantially followed by his successors.

For more than twenty-five years Mormon polygamy evinced neither disposition nor ability to redeem itself. Indeed, for more than half that period it was defiant of the law. It had confounded the temporal with the spiritual authority and had become arbitrary and dogmatic. Withal, it was defended and attacked by implacable local factions, whose intolerance served alike to inflame passion and warp discretion. It was between these factions, this Scylla and Charybdis, that the Edmunds law projected the Commission, somewhat, as a forlorn hope, to sink or swim, as it might happen.

Early after the organization of the Commission its members were met by leading local journals with scant and frigid courtesy. They were welcomed as sojourners for a term of rest and recreation, of wonderment at the charms of Salt Lake City and its surroundings. But the welcome sensibly implied that the commissioners, as intruders and supernumeraries, should early renounce their mission and return to their distant homes in the States.

In the meantime a few Mormons, professing extreme unction and intermitting briefly their resentment toward Congress, discharged a volley of lawsuits at the commissioners, charging them with unlawfully obstructing the right of registration and of voting. Upon the final hearing the Supreme Court of the United States adjudged the suits to be groundless and the plaintiffs to pay the costs attending them.

Next, an effort was made by a few Gentiles to procure a law substituting a legislative commission invested with proconsular powers, and appointive by the President and Senate, for the Utah Commission; but this scheme, being despotic and un-American, failed, as also did the kindred scheme to disfranchise the Mormons en masse for their membership in the Mormon Church.

So it transpired that the local factions, when not wholly engrossed in fighting each other, turned their attacks alternately or simultaneously against the Utah Commission. Thus the Commission was made representatively responsible for laws in the enactment or judicial construction of which it had no part. Under changing conditions, however, these obstacles are passing away.

Early in 1891 the Mormon or People's Party, formally and absolutely dissolved its organization. Soon after the Gentile faction informally and partially followed this example. The event was a triumph of progress. It furnished the material out of which the new parties in the Territory, Democratic and Republican, were formed, and which must, in the early future, absorb the remains of the Gentile faction. The new parties, leaving the dead past to bury its dead, are now competing with one another for the palm of local political ascendency. Each is asking Congress for radical legislation, i. e., for Territorial home rule or statehood, but notably neither is asking by either of those measures during their pendency the discontinuance of the Utah Commission.

The ninth section of the Edmunds law creates the office occupied by the Utah Commission, and provides, as has been seen, that the Commission shall consist of five members, not more than three of whom shall be of one political party and a majority of whom shall be a quorum. The same section, adopting portions of the Territorial law, devolves on the Commission the task of considering in pari materia the germane provisions of each of those laws and of deducing from them a consistent and effective system. Such a system is now in operation. It contemplates a multifarious service annually; a house to house inquiry, with a view to an annual revision of the electoral registry by adding to or striking names from it; the enforcement of the conditions of registration as affecting voters; the act of registration; the hearing of objections to the right of any person to have his name retained on the registry; the certification of the names adjudged to be wrongfully on the registry to the proper election judges; the transmission of the revised registry, with the attending affidavits of electoral qualification, to the county clerk for preservation, subject, however, to proper public and private inspection; the transmission of copies of registries to the presiding judges of elections; the publication of other copies with lists of the offices to be filled by election; the canvass of election returns; the issuing of certificates of election to persons elect, and the appointment of numerous official agents by the Commission, as provided by law, to carry into effect this varied, delicate, and responsible service.

Geographically this service measures the rugged mountainous length and breadth of Utah, 320 miles north and south by 300 miles east and west.

The number of officers appointed by the Commission since the date of its annual report, including those remaining to be appointed with reference to the approaching November election, is 2,667.

This agency, founded on brief words of the Edmunds law, and being a growth of less than twelve years in the hands of the Utah Commission, has in the meantime withstood the shifting storms of passion and prejudice. In

the meantime factions have been disbanded, the laws enforced, progress accelerated, and the morality of monogamy vindicated:

In truth, the office of the Commissioners has not been a sinecure. They have had much to think of, often difficult legal questions to solve, many advisory opinions and administrative forms to prepare and circulate, multitudinous inquiries to answer, occasional journeys to make to different places in the Territory to observe the manner and course of official procedure, and withal other offices and functions unattended with any pecuniary recompense have been added to their trust. Briefly, the commissioners have spent in coming and going, in office work, and in preparing their reports to the Government nearly six months in every year since the date of the Commission's organization.

As to the constitutional amendment they say:

In contemplation of the turmoil and trouble born of polygamy, of the uncertainty and inconvenience arising from different State laws regulating marriage and divorce, and in contemplation of the importance of securing the future against the return of those evils, the Commission respectfully recommends that an amendment of the Federal Constitution be adopted, inhibiting polygamy and empowering Congress to prescribe the conditions of marriage and divorce and the manner and effect of authenticating each. The value of such an amendment as concerning the paramount feature of domestic and social life would be inestimable. It would draw under the exclusive cognizance of one legislature and one judiciary all questions affecting the conditions of marriage and divorce with the manner and effect of proving each. More, it would draw under the same cognizance, in a general sense, the distinction between monogamous and polygamous institutions, as importing either individual and national progress or individual and national apathy.

The amendment would inure as an authoritative notice to immigrants from every land that the United States are self-dedicated forever to the virtues of monogamy, and, not least, the amendment becoming a lesson in the common and higher schools of the States, would form and train the minds and morals of future generations in harmony with its spirit and reason.

I will not read further from that report.

Mr. President, it has been stated here and in reports from the States wherein Mormons reside that polygamy is no longer practiced. I know that these statements are made in good faith, but, Mr. President, I have grave doubts as to their absolute accuracy. It is my belief, as well as others, that it is but suspended, awaiting a time when it can again assert itself. It is now afraid, fearing the laws and power of the United States, but if we allow it to gain a foothold, if we give it hope, the time may come, not now, but years hence, when it will strike at the vitals of this Government, and strike with force.

Mr. President, at the time of the enforcement of the laws against polygamy, the so-called "persecution of the Mormons," a number of them emigrated to Mexico, where they established colonies, some on the lands they bought, others on land given by the Government, and in those colonies the practice of polygamy is in vogue to-day. I will read here an extract from a book or report which, I think, will be of interest.

I call the attention of the Senator from Colorado, whom I do not see here, to the translation from a book I have here, published in the German language.

[At this point Mr. KEAN yielded to Mr. CLAY for the passage of a bill.]

Mr. KEAN. The book is entitled "Mexico: Das Land und Seine Leute" (Mexico, the country and its people), by Henrich Lemcke, special commissioner of the Mexican Government, Ministry of Fomento (public works). It was published in Berlin, by the house of Alfred Schall, in 1900. In this book the author makes his acknowledgments in the preface of the official help of the Mexican Government in its preparation. It contains a chapter entitled "Eine Fahrt nach den Mormonen-Kolonien in Mexico" (A journey to the Mormon colonies of Mexico). In this it is stated that the Mormon Colony Dublan, in the State of Chihuahua, is 348 kilometers from El Paso (United States frontier). The author says:

As it was at the special desire of the President of the Republic (Mexico) that I visit the Mormon colonies, I was furnished with an official letter of introduction to the head of the colony. In the house of Mr. Pratt, the head of the colony of Dublan, I found a large family.

Mr. Pratt took the author to the colony of Juarez, 18 miles distant from Dublan, on which occasion Mr. Pratt said to him, "You must not be surprised if you see that we have more than one wife, and you will now become acquainted with another wife of mine, who will accompany us to Juarez."

Mr. BEVERIDGE. I should like to inquire of the Senator from New Jersey when that book was published? Is it a recent publication?

Mr. KEAN. The book was published in 1900.

Mr. BEVERIDGE. It is a recent work?

Mr. KEAN. Yes, sir; a new work.

Mr. BEVERIDGE. And it describes present conditions?

Mr. KEAN. Exactly so.

Mr. BEVERIDGE. It does not describe past conditions?

Mr. KEAN. The author relates his experiences and his investigations of the tenets of Mormonism. He says the life of the Mormon is rigidly moral and devout.

If a Mormon has more than one wife they do not live together in one house, but each wife has her own house, wherein she dwells with her children.

He says further:

The Book of Mormonism allows polygamy, but not in the sense of immorality.

And further:

Mormonism is continually growing, and at present they have 1,400 missionaries in Europe.

According to nationality, they come from Scandinavia, Germany, Switzerland, England, and North America.

It must be looked upon as a great work of the Mexican Government.

I call the attention of the Senator from Colorado [Mr. TELLER] to this passage:

It must be looked upon as a great work of the Mexican Government and demonstrates its tolerance, that about sixteen years ago they granted an asylum to Mormons driven out of the United States.

The above information can be obtained on pages 178 to 185 of the book if anyone cares to translate it. That, to my mind, Mr. President, is most conclusive as to the existence of polygamy in the Mormonism of the present day.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. KEAN. I do.

Mr. BEVERIDGE. It was stated here in debate the other day that polygamy is not now a tenet or practice of the Mormon Church, a subject upon which I am ignorant. I have not investigated the literature, but I understand that the authority which the Senator is now reading shows that that practice continues within the church, at least in Mexico. Do I understand the conclusion the Senator draws from that to be that it is not therefore eliminated from the church; that whether the practice exists in this country or not, it does exist in Mexico, and therefore is still within the church as an organization.

Mr. KEAN. That is exactly the truth.

Mr. BEVERIDGE. That is the conclusion the Senator draws, and, as the Senator says, it is the truth.

Mr. KEAN. It is the only conclusion which can be drawn from the fact.

Mr. BEVERIDGE. I think that is rather the most important——

Mr. KEAN. I will say further to the Senator from Indiana, there is no statute in Mexico that I can find which prohibits polygamy.

Mr. BEVERIDGE. I wish, Mr. President, to call the attention of the Senators who participated in this debate the other day to it, and to say that this is, I think, the most important fact which has been brought out in connection with this subject.

I remember that I asked the Senator from Idaho [Mr. DUBOIS] the other day, he being familiar with and having fought a great fight on this subject out there, very much to his credit, whether or not there was anything in the statute books of New Mexico and Arizona against polygamy, and he stated that he did not know, but it was a matter of no consequence anyway.

Mr. KEAN. I will say to the Senator from Indiana that there is nothing in the statute books of either Arizona or New Mexico on that subject except what I have stated.

Mr. BEVERIDGE. There is not such a provision, notwithstanding the large Mormon population in those Territories?

Mr. KEAN. I have so stated.

Mr. BEVERIDGE. I must have been out of the Chamber at the time.

The Senator from Idaho made a statement the other day, which we all accepted, that it was immaterial what was in this law or what was on the statute books, because the practice of polygamy had been eliminated from the church. I say that that was generally accepted as correct. Now, the Senator from New Jersey has brought out the very seriously important fact that, however much it may be eliminated in Utah or any other place in this country, it does exist within the church in Mexico; and so it has not been abolished as a practice of the church. The Senator from New Jersey has just read some authorities here which show that within the church the practice does exist in Mexico itself, and that the Mormon Church has 1,400 missionaries in Europe sending to Mexico people who are members of that church.

I say, that being so, we all the other day accepted the statement of the Senator from Idaho that the practice had been eliminated, no matter what eliminated it; and, therefore, it was not important what provision was in this bill or in any other bill. I was told, in answer to a question of mine as to whether there was any law on the statute books of Arizona or New Mexico against this practice, that it did not exist any longer and had been abolished within the church. Now, the Senator from New Jersey has just read, while the Senator from Wisconsin [Mr. SPOONER] and the Senator from Maryland [Mr. MCCOMAS] were out of the Chamber, some very remarkable statements from an authoritative source, and, as he said, from a very recent book, which show that, whether the practice exists in this country or not, it still does exist within the church in Mexico. Therefore, he says, the conclusion which he draws—and which is not only a conclusion, but a fact—is that the practice does exist at this day within the church. If it exists at one place, it might, of course, exist in another.

Mr. SPOONER. Does the Senator know whether these changes

in the various articles of the creed of the Mormon Church are the result of new revelations?

Mr. BEVERIDGE. If the Senator is addressing the question to me, I will confess I have little knowledge on the subject; but the Senator from New Jersey, as I take it, has a good deal of knowledge on the subject, and he is demonstrating that the Senator from Colorado [Mr. TELLER] was hardly correct the other day when he said that he did not know anything about the conditions in Mexico and he did not think the Senator from New Jersey did either. The Senator from New Jersey is now demonstrating that he does know.

Mr. SPOONER. With the permission of the Senator from New Jersey [Mr. KEAN], I will ask the Senator from Utah [Mr. RAWLINS] whether the changes in the creed of the Mormon Church are or are not based upon new revelations?

Mr. RAWLINS. Mr. President, if the question which the Senator from Wisconsin propounds to me is as to what the church believes——

Mr. SPOONER. It only goes to the history of the church, with which I am not familiar.

Mr. RAWLINS. I suppose the Senator means whether the church itself claims that it was a revelation? I understood him to ask me if it was a revelation.

Mr. SPOONER. No; whether the Mormons claim that the changes from time to time in the original creed are assumed to be based upon revelations.

Mr. RAWLINS. Mr. President, I am unable to answer that question. The Senator from New Jersey has already read practically all that there is on that subject.

The statement in 1890 of President Woodruff, the president of the twelve apostles, contains substantially all that there is upon that subject. I think in conference some of the members of the church arose and stated that this declaration made by President Woodruff was in fact a revelation from the Almighty. That is, I understand, the situation.

Mr. SPOONER. I was curious to know whether that revelation did not apply to Mexico; whether it was general or qualified.

Mr. BEVERIDGE. I think the Senator from New Jersey has settled that question.

Mr. SPOONER. No.

Mr. BEVERIDGE. Yes; because the Senator from New Jersey says that it is established by the figures and authorities which he has read that this practice does now exist within the church as a part of its religious faith in Mexico, and that, in pursuance of that, they have now, as they used to have in the old days of the Mormon Church, 1,400 missionaries in Europe from Mexico. Therefore it can not be, if what the Senator from New Jersey says is true, that the practice of polygamy has been abolished by the central authority of the church, for if that were so, it would be abolished everywhere.

Mr. SPOONER. Perhaps there was a proviso that it should not apply to Mexico.

Mr. BEVERIDGE. Of course, I do not know whether the revelation applied to Mexico or not.

Mr. HOAR. Probably those who made the revelation did not understand Spanish.

Mr. BEVERIDGE. That may be.

Mr. RAWLINS. Do I understand the Senator from Indiana to say that 1,400 Mormon missionaries have been sent from Mexico?

Mr. BEVERIDGE. You did not understand the Senator from Indiana to say anything on his own authority. I understood the Senator from New Jersey to say—and he can answer the Senator—that 1,400 missionaries had been sent, or was it 14,000?

Mr. KEAN. Fourteen hundred.

Mr. BEVERIDGE. The Senator from New Jersey can answer. He has the authorities before him, from which he has read. I know nothing about the subject. I have not investigated it, but the Senator from New Jersey has. He has made some very important statements here and backed them up by authority which he says is reliable and recent.

Mr. RAWLINS. I should like to ask the Senator from New Jersey, with his permission, as I am interested in having accurate information presented to the Senate upon this question, if his statement was to the effect that 1,400 Mormon missionaries have been sent from Mexico?

Mr. KEAN. Not entirely from Mexico, but the Mormon Church has sent out 1,400 missionaries.

Mr. RAWLINS. The church to which the Senator refers has a very large number of missionaries in Europe, in the United States, and in various Pacific islands, but they have not been sent from Mexico.

It is fair to say in this connection that the church proclaims that these missionaries are instructed not to inculcate the doctrine of the practice of polygamy in their missionary labors, but they are engaged in proselyting, making converts to the church and to the doctrines of the church as now proclaimed.

Mr. KEAN. When was the doctrine of the church ever proclaimed differently from the way it stood originally?

Mr. RAWLINS. The Senator, I think, has accurately presented the facts in regard to that. The manifesto issued by President Woodruff in 1890 declared that, so far as polygamy was concerned, he intended to conform to the law. He advised his followers to do likewise and to contract no marriage in violation of the law. The conference adopted that, and some members of the church proclaimed that that came to the people as a revelation. Whether that amounted to a modification or a change in the doctrine of the church is a matter of which Senators are as competent to judge as I am.

Mr. TELLER. I should like to ask the Senator a question, with his permission, before he sits down.

Mr. RAWLINS. Certainly.

Mr. TELLER. Is it not a fact that President Woodruff himself claimed that it was a revelation?

Mr. RAWLINS. I am not quite sure as to that. The Senator from New Jersey has read the language of President Woodruff. As the Senator from Colorado has already said, President Woodruff was generally recognized by all who knew him as a very frank, open, and sincere man, who would not probably claim anything as a revelation unless he believed it was a revelation. He stated that it was his purpose, after prayerful consideration, to obey the laws against polygamy, and he advised his followers to do likewise. I think that is what he said. Whether he intended to go beyond that I do not know.

Mr. DEPEW. I should like to ask the Senator from Utah if it was understood that that revelation—if it was a revelation—applied only to Mormons in the territory of the United States where the Edmunds law was in force, but as to States and countries where polygamy was not prohibited the doctrine of the church still prevailed?

Mr. RAWLINS. Mr. President, the documents in possession of the Senator from New Jersey can more accurately answer the Senator's question than I can; and you will observe the tenor of the statement in the declaration of the church. I do not care to put my interpretation upon it.

Mr. KEAN. Mr. President——

Mr. RAWLINS. If the Senator from New Jersey will permit me, I ought perhaps to add, in answer to the Senator from New York [Mr. DEPEW], a word bearing upon the question he propounded to me, as to whether this declaration in regard to polygamy was intended to apply only to the territory where polygamy was forbidden by law, that I recall now the fact that subsequently to that, in 1898, I think, President Snow, who was president of the Mormon Church, issued a declaration that the effect of all this was to forbid polygamous marriages not only in Utah and elsewhere in the United States, but throughout the world, and that it was a rule which was binding universally on the members of the church. I recall that since the question was propounded to me. I have not a copy of that proclamation of President Snow, but I am quite certain it was issued.

Mr. DEPEW. Mr. President, I find here what purports to be a proclamation of the president of the Mormon Church. This seems to have been a communication addressed by the president to the members of the church at Salt Lake City in September, 1890, in which this occurs:

> In 1890 the head of the Mormon Church in "anguish and prayer cried to God for help for his flock and received the permission to advise the members of the Church of Jesus Christ of the Latter-Day Saints that the law commanding polygamy was henceforth suspended."

The head of the church was an able man, familiar with the English language, a lawgiver as well as a law writer, and in this effort, if it was an effort, to take away from the church the stigma of polygamy, as people of other faiths regard it, he does not say that polygamy and polygamous marriages are hereafter prohibited, but the proclamation is that the head of the Mormon Church in "anguish and prayer cried to God for help for his flock," and that "the law commanding polygamy was henceforth suspended." But whether they simply suspended it without prohibiting it, or suspended it and the suspension has died out and the permission is renewed, or the prohibition, such as it is, is removed, no one can tell unless we have a revelation from the Mormon Church itself.

But I think, Mr. President, that the word "suspended" is a very peculiar one in connection with an alleged repeal of a doctrine against which there is such feeling and moral sentiment all over the United States.

Mr. BACON. If the Senator from New York will permit me, I suggest that the doubt which he now expresses he may be able to have authoritatively cleared up on this floor at the next session of Congress.

Mr. DEPEW. That is the only argument I have heard which seems to favor the admission of a Mormon Senator to the United States Senate. [Laughter.]

Monday, February 9, 1903.

Mr. KEAN. Mr. President, on Saturday last, at the close of my remarks for the day, I stated that I had concluded somewhat my discussion in regard to Mormonism and polygamy in Arizona; but from the discussion that followed and the comments in the press I do not think the paper I read was quite understood. So I will again call the attention of the Senate to the paper.

It seems to be the impression that the statement regarding polygamy in Mexico was made by a German writer who had traveled through Mexico. While that is true, it is not entirely a correct statement, as it leaves out the most important feature.

The President of Mexico, wishing to call the attention of Germany to the advantages of Mexico for investment, appointed Mr. Lemcke, a special commissioner of the department of public works, to investigate and report upon the "country and its people." He was provided with official letters to the heads of State governments and other officials, who were requested to assist him as much as possible in the work he had undertaken.

Mr. Lemcke, in the preface of his report, makes his acknowledgment of the official help of the Mexican Government in its preparation. This publication is, therefore, in the nature of an official report, and what it contains is recognized as a fact by the Mexican Government, because that Government assisted in its preparation.

In his report Mr. Lemcke investigated many subjects concerning the industrial, agricultural, and mining conditions of Mexico, and among other topics he wrote a chapter on the Mormon colonies, an extract from which I read. In all of his remarks about the Mormons he is most friendly and calls attention to their peculiar and particular qualities. He speaks of their colonies in the most glowing manner, and there is not a word of adverse criticism in his remarks. What he says regarding them can therefore be taken as correct, especially as it has passed the espionage of the Mexican Government.

When the laws passed by Congress were finally enforced in Utah, many Mormons who were "persecuted," as they claimed, by their enforcement ceased the practice of polygamy, but those who did not emigrated to other lands. Of these a large number went to Mexico and there established themselves. I want to call attention here to what Mr. Lemcke says after he had made a careful investigation: "The Book of Mormon allows polygamy, but not in the sense of immorality." I have shown that the "Doctrine and Covenants" of the Mormon Church still permit polygamy, and that a later revelation, which suspended it, is not printed in that book. At least I have called the attention of the Senate to that fact. Mr. Lemcke further says, and please note these words, for I think they are conclusive:

> It must be looked upon as a great work of the Mexican Government and demonstrates—

Here, again, I beg to call the attention of Senators to the language—

> demonstrates its tolerance, that about sixteen years ago they granted an asylum to Mormons driven out of the United States.

Mr. President, the United States Government never drove a Mormon from its territory. The Mormons fled because they said they were persecuted. They fled because the laws of the United States prohibited polygamy, and they, wishing to continue the practice, fled to Mexico, which Government "demonstrated its tolerance" by permitting them to practice it—granted them an asylum.

Now, Mr. President, I have had the laws of Mexico looked through very carefully to see if there are any statutes prohibiting polygamy, and I have only found the following, which I will read. I wish first to call the attention of the Senator from Colorado [Mr. TELLER], who, I am sorry, I do not see present, to those laws, as he stated, with all the positiveness that he is able to do, that the Government of Mexico was dominated by the Catholic Church, which would never permit polygamy.

Laws of reform, September 25, 1873 (translation); part of the constitution of the United States of Mexico (this is not a literal translation): Article 1 states that the church is independent of Congress, and that Congress has no power to pass laws establishing or prohibiting religion. Article 2 states that marriage is a civil contract and the civil authorities are alone permitted to perform the ceremonies.

This is all the law I have been able to find on the subject in the statutes of Mexico. Perhaps the Senator from Colorado in his zeal may be able to find something further.

Mr. President, the great majority of the people in Mexico are Roman Catholics, but the Government is no more under the domination of that church than this Government is. Everybody knows that the church in Mexico has long since lost its power in that Government.

Mr. President, the Senator from Colorado [Mr. TELLER] said on Saturday last that he does not fear the influence of the Mormon Church in these Territories—that their numbers are too small. We have no accurate statistics as to their number in Arizona at the present time. I call attention to the lack of statistics as to the number of Mormons at the present time in Arizona. The church census under the census of 1900 has not yet been published, as far as I can get it, and the only one that I have to go by is the census of 1890. By the census of 1890 there were 6,500 Mormons in the Territory of Arizona, and I think it is safe to estimate that they have increased as rapidly in that Territory as the other population has advanced.

The population there has increased, according to the last census, about 100 per cent, and according to the estimates of the Territorial officers in Arizona, if they are to be believed, it has increased 200 per cent. The Senator from Colorado said that he did not believe there had been a census taken which covered half of the population of Arizona and New Mexico. If he is right, how many Mormons are in Arizona to-day? I should say that from 15,000 to 20,000 Mormons in Arizona would be a very small proportion of the existing population.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maine?

Mr. KEAN. Certainly.

Mr. HALE. Has the Senator at hand the figures showing the entire population of Arizona in 1890, when the Mormon population showed 6,500 in number?

Mr. KEAN. I have it here somewhere. I do not recall the figures exactly at the present moment. I think, if I remember rightly, the population of Arizona in 1890 was about 60,000. The Mormon population according to the census of 1890 was 6,500.

Mr. HALE. That would be more than 10 per cent.

Mr. KEAN. It would be more than 10 per cent.

Mr. HALE. And it would in any political contest easily hold the balance of power.

Mr. KEAN. The Senator from Maine is entirely correct, as he always is.

Mr. CLAY. Will the Senator yield for a question?

Mr. HALE. Will not the Senator from Georgia wait a moment?

Mr. CLAY. Certainly.

Mr. HALE. Is the Senator from New Jersey confident that his figures—6,500—as to the Mormon population in 1890 are correct? There are other figures which show a Mormon population almost twice that number. I think the Senator from Wisconsin has later figures.

Mr. SPOONER. If the Senator will allow me——

Mr. KEAN. I have here a statement of the communicants of the different churches, according to House Miscellaneous Document, first session Fifty-second Congress, 1891–92, volume 50, part 1, page 427. Here is the census of the Church of the Latter-Day Saints in the United States, and it gives by counties and States the number of churches organized, and so on. Here is Arizona, the organization by counties.

Mr. HALE. And the total?

Mr. KEAN. The total number of communicants, of members, is 6,500. They have a seating capacity of 4,815 in their churches, and 16 church edifices.

Mr. HOAR. That would not include the children.

Mr. KEAN. The value of their church property is $26,400.

Mr. HALE. Does the number 6,500 include the entire families or only what are called communicants?

Mr. KEAN. Those are the communicants.

Mr. HALE. As the Senator from Massachusetts suggests, that would not represent the children of Mormon families.

Mr. KEAN. It represents only the communicants. Of course there are a great many more Mormons in the Territory than the number given in the census. There is no doubt of that.

Mr. HALE. I think the Senator from Wisconsin has later figures.

Mr. SPOONER. Will the Senator from New Jersey yield to me for a moment?

Mr. KEAN. Certainly.

Mr. SPOONER. I take from the very able speech of the Senator from California [Mr. BARD], which is full of information and the result of very careful study, the following statement:

> In 1889 Governor Wolfley, in urging Congress to reestablish the Territorial law which disfranchised all who practiced, taught, or encouraged polygamy, and which had been repealed by the last legislature of the Territory, speaks of them as follows:
>
> "Morally and politically the Mormons are an unwelcome and a dangerous element. Morally, their teaching and encouraging, if not actually practicing, polygamy is against all established Christian law, moral or religious. * * * Politically, the Mormons seem to have adopted the plan of sending colonies or "stakes" to the surrounding Territories in sufficient numbers to form a balance of power between the two political parties. They are willing to trade with either, but remain true only so long as the interests of the church are best served.
>
> "The church is their law, and all other law is subservient to the orders of the church. They are therefore a most dangerous and unscrupulous factor in politics, without regard to party. Four years ago they voted for the Republican Delegate to Congress; two years ago and last year they voted for

the Democratic Delegate, in payment for the repeal of the above-referred-to disfranchising act, passed by my late predecessor. Who they will next vote for will depend upon who will or who can make them the best offer or do them the most service." (House Ex. Docs., 1889-1890, Fifty-first Congress, first session, vol. 13, pp. 250-251.)

Governor Wolfley states that at that time the Mormons numbered about 8,000. In the following year, 1890, Governor N. O. Murphy estimates the number of Mormons in Arizona at 12,000—one-fifth of her population under the census of 1890.

Mr. HALE. That is nearly twice the number given in the figures presented by the Senator from New Jersey.

Mr. SPOONER. Now, I read further from the speech of the Senator from California, and this is very interesting:

In his report for 1893 Governor L. C. Hughes makes a statement regarding the strength of the various church organizations in the Territory at that time, from which we find that the Mormons had more churches in the Territory than any other denomination. He also informs us that in the last election the Mormons cast a vote of 1,500 out of a total vote of 7,738 cast on the question of the adoption of a constitution. He further says concerning the Mormon population: "This population does not exceed one-eighth of our people." But it will be observed that the Mormon vote was about one-fifth of the whole vote cast on the question of adoption of a constitution.

It was about one-fifth of the entire vote cast on that question.

Mr. HALE. About 20 per cent.

Mr. CLAY. Mr. President——

Mr. KEAN. I yield to the Senator from Georgia.

Mr. CLAY. Did I understand the Senator from New Jersey to state that the population of Arizona in 1890 was 60,000?

Mr. KEAN. I said it is my recollection that it was about 60,000.

Mr. CLAY. That is a little over ten years ago. I ask the Senator, is it not true that the population of Arizona, by the census of 1900, was 125,000?

Mr. KEAN. Yes; but it included in that the Indians, who number 28,000. The Indians were not included in the former census.

Mr. CLAY. Is it not true that the population of Arizona had doubled during the last ten years?

Mr. KEAN. I do not think it is.

Mr. CLAY. It was 60,000 in 1890 and 125,000 in 1900.

Mr. KEAN. I will tell the Senator from Georgia that the same Indians were there ten years ago.

Mr. NELSON. Will the Senator from New Jersey yield to me a minute?

Mr. KEAN. Certainly.

Mr. NELSON. If the Senator from Georgia will examine the census returns for 1890 he will find that, I think, in the neighborhood of 28,000 Indians and people on Indian reservations were omitted from the census, and hence there appears to be such an immense growth. If you add those 28,000 and others who were residing on Indian reservations in Arizona to the census of 1890, you will find that the growth has been very small, not over a rate of about 3,500 or 4,000 a year since 1890.

Mr. KEAN. But, Mr. President, it is not the number there now that I am apprehensive of, it is the number that will emigrate from Utah the instant Arizona is made a State, if her constitution permits her to grant them an asylum.

I therefore think it is of the highest importance in passing this bill that it should be amended in such way as to forever exclude polygamy. If it is not done now, it can not be done hereafter. I do not think there is such a wonderful haste that it is necessary to pass this legislation without considering the importance of what we are doing. We are doing a work for all time. We are not passing a law that is subject to the repeal of Congress, or the will of Congress, but we are making States to live as long as this Union endures. When we make those States let us make them well, so that they can take their part with the other States in the Union and cast no slur or disgrace upon their sister States by their practices or by their laws.

I believe, Mr. President, that thousands of Mormons could and would go over the line in a few weeks from Utah into Arizona, for they have plenty of people to spare in Utah. Utah with its enormous population could easily help to control Arizona. Inside of a year I think the Senator from Utah [Mr. RAWLINS] will bear me out when I say that the State of Utah can send people enough into Arizona to control the whole government of that State, if it were a State.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. KEAN. Certainly.

Mr. RAWLINS. I can not agree with the statement which the Senator from New Jersey has just made. In Utah we have about 275,000 people. A majority of those people are members of the Mormon Church, but any statement here which would imply that all members of the Mormon Church who are voters would obey the dictates even of the leaders of their church in political matters would be extravagant. There are quite a number of the Mormon people who would so submit, but by no possibility, according to my judgment, could the Mormon people now having their homes in Utah be induced to break up and leave their homes to go to Arizona for the purpose of controlling it as a State.

Doubtless members of the Mormon Church who might go to Arizona would exercise some control in its political affairs, but I would not desire to pass in silence the statement made by the Senator from New Jersey, when he appealed to me and said that in a very short time a sufficient number of the Mormon population of Utah would be induced to go into Arizona for the purpose of controlling its politics. I do not think that a possibility.

Mr. KEAN. Mr. President, I thank the Senator from Utah for his statement. I partially agree with him. But, Mr. President, the Mormon Church, as everyone knows, is all powerful. The Mormon Church, if they desire, could send people enough from Utah into Arizona to control it. I do not know that they would, but it seems to me that we ought to prevent such an occurrence, if it were possible to do it.

Mr. RAWLINS. Will the Senator permit me in that connection?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. KEAN. Certainly.

Mr. RAWLINS. While we are upon the question of the influence of the Mormon people upon the government or politics of Utah or Arizona, I think it is fair to state that the masses of the Mormon people are themselves interested in good government, and in counties where they have absolute control in the administration of local affairs they furnish as a rule honest and economic government. Those people are a frugal and industrious people. Many of them are engaged in agricultural pursuits. While they have their peculiar notions upon the subject of religion, in my judgment they are not a dangerous people. Left free to carry out their own notions of propriety in the administration of government, they are a valuable people in a community.

I think in Wyoming, and doubtless in Arizona, those Mormon people who are engaged in peacefully following their pursuits are helping to maintain good government there. In my own State in certain localities non-Mormons in some instances would prefer to have that balance wheel, so to speak, in leading to economy and conservatism in the administration of local affairs, against men who are not so thoroughly interested in the State or the more transient population. I know in Salt Lake City, where a very large majority of the population is non-Mormon, the non-Mormons themselves are glad to vote for and elect Mormons to important political offices because of their value and their desire to give to the municipality good government.

So, in anything I may say here I do not want to have it understood that the Mormon people are dangerous to good government anywhere. What I would say, and all that I would say, in respect to that is that certain elements in the Mormon Church by reason of long habits are disposed to yield too much to the dictates of the prominent individuals in the church. When these may possibly have some purpose of their own to subserve it is not to be denied that their influence is very considerable among the Mormon people. Still, there is a very large element among the Mormons who resent the idea of such interference, and to-day I do not think they are subject to the control of their leaders, especially if the attempt were made to induce them to vote in such a manner as to bring about a bad state of affairs in any State or in a locality.

Mr. KEAN. Mr. President, I did not mean to say anything against the Mormon people themselves, because I think they are the most thrifty—I might say almost next to the Chinese in thrift—of any people I know of. Nor do I mean to say anything against their religion. But I do mean to say that the people of this country are opposed to the practice of polygamy, and they intend in every way in their power to stamp it out. Whatever aid and assistance I can give them in doing it I propose to give, and I do not propose, Mr. President, as a Senator from one of the States of the Union, to allow a bill to pass here which I consider contains provisions that do not restrict polygamy.

I read the other day from a little book put out by the Mormon Church their boast as to how they were spreading and how they occupied 1,500 miles of the backbone of the American continent; and they seem to think that they can include in their sway all this 1,500 miles. They seem to think that they can control Arizona and New Mexico, and even part of old Mexico. Here are some of the doctrines——

Mr. NELSON. May I ask the Senator a question?

Mr. KEAN. Certainly.

Mr. NELSON. Is there not very great danger of the Mormons in Mexico, who are full-fledged Mormons not only in theory but in practice, coming across the line and mixing in politics in Arizona and attempting to usurp public authority in that State, if we admit it?

Mr. KEAN. Mr. President, everyone knows that this colony

in Chihuahua was established by people who fled from Utah, who have been fostered by the Mexican Government. There they practice polygamy, and they can come back to the United States. They are all ready to come back to the United States. Of course the laws of Utah are strict, and therefore they do not like to practice polygamy openly there, but if no provision is made in regard to Arizona and New Mexico when admitted to the Union, they can come back from Chihuahua and so help control Arizona and New Mexico.

Here is a statement of other doctrines of the church:

Of the other principles believed in by the Latter-Day Saints there is not upon this occasion opportunity to speak at length. These are: The gathering of Israel; the restoration of the Ten Tribes; the support of earthly governments for the protection of human rights—

That they claim to be one of the greatest—

the building up of Zion and rebuilding of Jerusalem; the resurrection; the second coming of Christ to reign as Lord of Lords and King of Kings—all of which are doctrines of the Bible, as clearly maintained in its teachings as those which have been spoken of.

The Latter-Day Saints believe—indeed, testify—that they know they are fulfilling the predicted gathering of Israel in the last days by the command and power of God; that their gathering on the American continent is upon the land of Zion, the land of Joseph, whose blessings have prevailed "unto the utmost bounds of the everlasting hills."

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maine?

Mr. KEAN. With pleasure.

Mr. HALE. Every time, Mr. President, that this phase of the subject is reached new information is presented to us showing the gravity of the situation, showing the likelihood that in all this belt of States the Mormon Church, as a church, is so situated and is under such conditions that it can easily hold the balance of political power and can control absolutely the votes of its followers for the purpose of determining elections. That is almost the most serious consideration that can be presented to us in dealing with these up to this time unformed populations so far as statehood is concerned.

Another thing. I want to ask the Senator, is he satisfied with the provisions in the bill reported by the minority of the committee—the omnibus bill—touching the practice of polygamy in those Territories when they shall become a State or States? Does he think upon that practice that those provisions are strong enough?

Mr. KEAN. I am glad to answer the Senator from Maine that I certainly do not.

Mr. HALE. Then, I ask the Senator further, as a member of the committee, who has given great attention to and has studied the subject thoroughly, if he has prepared or will prepare such an amendment upon that branch of the subject?

Mr. KEAN. I shall be very glad to attempt to prepare one. I have not one prepared at the present time, but I think one ought to be prepared.

Mr. HALE. I am very glad to hear the Senator say so, Mr. President, because, before anything is done in this matter, the sense of the Senate should be determined upon this very grave question. If the minority bill ought to be amended, so that proper safeguards and penalties shall be thrown around this practice in these proposed new States, then, clearly, somebody should submit amendments that would be presented to the Senate, so that we shall have an expression of the feeling of the Senate upon this subject before anything further is done. I am glad to hear the Senator say that he has in contemplation amendments of that kind, which will bring the subject determinately before the Senate for its action.

Mr. KEAN. Mr. President, I was reading from the book of the Latter-Day Saints—their Religion, History, Condition, and Destiny, published by the Mormon Church in 1902, in which it is said:

Finally, about 12,000 who had escaped the exterminating order of Missouri's mob found a resting place in Illinois, and built up the beautiful city of Nauvoo. But the refuge was only temporary, for the bigot and the criminal united in a relentless and bloody warfare upon them. Less than six years after their expulsion from Missouri their prophet was assassinated in Carthage jail, while in the hands of the officers of the law and under the pledged protection of the governor of the State, Thomas Ford. This was on June 27, 1844. Joseph Smith had committed no offense, he was guilty of no wrong. "The law can not reach him, but powder and ball shall," was the cry of his murderers. The blood of the martyred prophet and his fellow-religionists still cries to God for vengeance!

The enemies of the Saints, however, were doomed to disappointment, for the death of the prophet did not stop the work or break up the church organization. The leadership devolved on the twelve apostles, with Brigham Young as their president. Even greater energy was displayed than before, and the temple at Nauvoo was soon completed. Fiendish plots were laid, and barbarous plans adopted to blacken the character of the "Mormon" people and make them appear abominable in the eyes of the public. Numerous atrocities were committed by the mobocrats, who falsely attributed them to the Saints, and thus aroused public indignation against them.

I do not think that is a true statement. Public indignation was not aroused against the Christian people trying to make homes for themselves, but public indignation was aroused against the Mormon people trying to establish on the American continent and under the protection of the flag of the United States a condition of society abhorrent to the rest of the people of the county.

As to Mormon control in this belt of territory, this 1,500 miles of which they boast as the backbone of the American continent, if anyone will observe the growth of those settlements in those States, he will see that Mormonism has grown and continues to grow in all of them. We are therefore forewarned—and to be forewarned is to be forearmed—that we should not pass any legislation that is not properly guarded in this respect.

I had hoped that the Senator from West Virginia [Mr. ELKINS] would allow me to yield to him that I might compare the remarks he proposes to make upon the admission of New Mexico with the remarks he made in the House of Representatives in 1874, when he was the Delegate from that Territory, for at that time the figures he used seemed to be most attractive, and I should be glad to compare the figures he is about to use with those he then used, but he is not here. I think, however, that I can refer to a few points the Senator then made. He said the resources of New Mexico were principally agricultural, pastoral, and mineral. I always understood, from the statistics that I have seen that New Mexico was a little short on agriculture and a little long on pasture, with some minerals, which lately have been somewhat developed. The Senator further said at that time:

The whole Territory abounds in fertile valleys, whose soil is as rich as can be found in any portion of the United States. She excels as a wheat-producing country, and with means of transportation her flour will be sold in competition with the flour of Kansas and Missouri on the Missouri River. Irrigation is necessary to insure crops, but the large yield more than compensates for this extra expense and labor not incurred in countries where irrigation is not necessary.

It may not be improper here to refer to the grapes of New Mexico and her capacity as a wine-producing country, which is certainly not surpassed in the United States.

Then she was going to rival California, I suppose, because the Senator said:

The valleys of the Rio Grande and Pecos rivers especially produce grapes in the greatest profusion. Although cultivated in a rude and imperfect way as yet, the wine produced is a good table wine, and compares favorably with many of the Rhine wines.

I am sorry the Senator from West Virginia is not here, so that he might answer some of these little illusions of his made in 1874.

Mr. HALE. What is the date of that deliverance of the present Senator from West Virginia?

Mr. KEAN. The date is May 21, 1874.

Speech of Hon. S. B. ELKINS, of New Mexico, in the House of Representatives, May 21, 1874.

The House, according to order, proceeded to consider the bill (H. R. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. HALE. If I may be allowed, Mr. President, I think this brings up very vividly, not only to my mind, but to the mind and the memory of the occupant of the chair, my colleague [Mr. FRYE], for we were both in the House of Representatives at that time—and I recall it very distinctly—that the present Senator from West Virginia [Mr. ELKINS], who was then a Delegate from New Mexico, was extremely earnest and enthusiastic in then pressing a bill for the admission of New Mexico as a State, and I remember what he said, having heard it or read it at the time.

The reports that were then given out in favor of the measure disclosed a situation in New Mexico far beyond anything that exists there to-day. The population was as large and the fertility and the resources of the Territory were brought forth in such an abundant fashion that almost everybody was ashamed to vote against the admission of New Mexico. I see now, as the Senator from New Jersey reads this account of the fertility, that in what at that time was considered as a joke of the then Delegate from New Mexico he only fell short of that fine Irish speech which was made in the British Parliament by an Irish orator in favor of the union of Ireland with England, when he said, "Sir, this measure will be everything for Ireland; it will change her barren hills to fertile valleys." [Laughter.] That is about the only thing that was not then said in favor of the admission of New Mexico. The arguments presented a much more hopeful condition of affairs there then than is now claimed.

Mr. KEAN. Mr. President, to continue reading from the speech of the Senator from West Virginia, then the Delegate from New Mexico, he said:

The valleys of the Rio Grande and Pecos rivers especially produce grapes in the greatest profusion. Although cultivated in a rude and imperfect way as yet, the wine produced is a good table wine, and compares favorably with many of the Rhine wines.

Now, Mr. President, let us see what the governor of New Mexico has to say in regard to the wine industry in that Territory. I will read from his last report, in which he says:

I am indebted to Judge J. F. Weilandy, of Santa Fe, an authority on grape culture, for the following:

* * * * * * *

"While it is not now possible to definitely ascertain the date of the beginning of grape culture in New Mexico, there is no doubt that it was introduced in the Rio Grande Valley long before the first grape vines were planted in California. * * *

"There is no data—at least no valuable data—given through which the value of the wine product of New Mexico could be ascertained; for exaggerations, such as that an acre of vine land will yield 1,350 gallons of wine on an average, are not deserving of notice. But it is safe to say that it does not amount to one tithe of the production of wine in California." * * *

This, Mr. President, is the opinion of an expert written nearly thirty years after the Senator from West Virginia made his speech in favor of statehood for New Mexico.

In the report of the Twelfth Census I find that New Mexico stands No. 42 among the States and Territories as a fruit producer, which of course includes grapes.

Mr. President, I might continue until the end of this session making such comparisons, but it is not my desire to do so. I think this one is sufficient to show that, if the statements made at that time were true, New Mexico has advanced very slowly the past thirty years. If they were padded for the purpose of influencing legislation, how can we believe the statements made by the advocates of this bill in regard to the present condition of the Territories?

Mr. President, I have not heard or read one good argument in favor of the admission of Arizona or New Mexico. Every speech made by those favoring the admission of these Territories is based entirely upon sentiment. I have heard a great many good reasons why they should not be admitted and I consider the most important of them all is the possible tolerance of polygamy.

The only certain check upon the progress of this evil, and the only solution of the problem it presents, is found in bringing polygamy within the jurisdiction of the Federal courts, where officers will owe no political obligation or allegiance to the influential criminals whom they are called upon to prosecute for this class of offenses. This can be provided for in the constitutions of the Territories. Until it is done, Mr. President, I can not vote to admit them to statehood.

Eulogy on the Life and Character of the Late Representative Moody of North Carolina.

REMARKS
OF
HON. SPENCER BLACKBURN,
OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 22, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. BLACKBURN said:

Mr. SPEAKER: Another passenger is cast upon the echoless shore. One of our comrades is gone. Time's relentless tide heaves unceasingly, and back from the cruel breakers of the great unknown comes no message. MOODY of North Carolina has joined the innumerable hosts and answers to the roll call of another house. The stillness of the grave shrouds in silent mystery all that was mortal of our contemporary. His seat is vacant and the work he was seemingly chosen to do remains unfinished. He goes out and is among us no more. His stalwart manhood succumbed to the cruel edicts of fate and we know him only for what he was. His sudden taking off is a sad reminder that to us all death comes soon or late. His work, only begun, remains as an earnest of what his genius might have accomplished had he been spared a little while longer. In his brief career, to those who knew him well, are many traits of character we might well emulate. Born in western North Carolina in February, 1858, remote from the centers of population and the advantages of educational facilities, he accomplished much more than most of us. His parents were poor, but gave to him as an heritage those sterling qualities of manhood and integrity which make themselves felt, whether in the remote sections of our great land or the greatest centers of intelligence. From the lofty peaks, among which he spent his childhood, he gathered inspiration and drank in the deep drafts of worthy ambition.

His early life was not unlike that of the many hundreds of whom he was one, but his young soul was not content with the mere humdrum, and life held for him greater charms and the future rare prizes, won by those only who have the energy to seek and the ability to acquire. In the simple surroundings of his childhood there was no trail to direct him, but his genius blazed the path and MOODY'S ambition and energy built the highway which identified him with the legislation of his State and nation ere he had reached the noontide of life. In early years he studied law, was admitted to the bar, and practiced in the town of Waynesville, N. C., from which point he was soon able to reach out and make himself felt in all the important litigation of the entire district, which he afterwards represented on the floor of this Chamber. In 1884 he was elected mayor of this town. In 1886 he was elected solicitor of his district, and served his people and State with considerate and marked ability.

In 1892 the Republican State convention nominated him for lieutenant-governor of North Carolina, and he canvassed the State for his principles and party in his own forceful and dignified way. Two years later he went to the legislature of North Carolina, representing the interest of his people and maintaining the principles of his party with all the energy and force of his broad nature. When the Spanish war was upon us, President McKinley honored him with a commission of major in the ranks of the volunteer forces of our Army, where he remained until the protocol was signed and peace declared. November 6, 1900, found him Congressman-elect from the Ninth North Carolina district, in which position he served his remaining days. His people loved him as their own. Their every wish was his; his every interest theirs. He served them with a devotion both interesting and pathetic, and his untimely taking off was to them as deep a regret as to us a surprise and pain.

In disposition he was amiable and kind, in decision firm, in all things honest, at all times sympathetic, ever manly. One of nature's own noblemen, he spent his life in sunshine and the accomplishment of good. Born and reared in one of nature's great ampitheaters, surrounded by lofty peaks and uprising hills, he learned her lessons and taught her philosophy. His mind reached beyond the narrow limits of district and State lines and his one object was the welfare of our common country. Against conditions sterile and uninviting in his beginning, he staked his manhood, and ere the brief lapse of one generation's history he had written his name upon the permanent records of his country. By sheer force of character, good-fellowship, generous nature, and kind thought beyond the range of those about him, he was leader. The world looks for men to do things; when the time came MOODY was there. In politics he was a Republican, but the bitterest foe in political strife would not dare suggest aught against his character, manhood, integrity, or broad generosity.

He fought for what he conceived to be right, upon that broad plane which guarantees at all times the right to think and act as we deem best. He had delved in the darkness and emerged into light. Out of the crude he molded order, and with all he found generous friendship. He was primarily one of the people. Up from the simple walks of life he forged his course, never forgetting the route by which he came or those met upon the way. In his walk there was no boast of heraldry or pomp of power, but the genuine simplicity of a nature true to itself and those about it. The glamour of pompous show appealed in vain to his sturdy mind, and he lived as he was, one of the great mass. From the barefoot boy of a few brief summers gone he had emerged into the lawyer, the legislator, the statesman, and in this Hall we knew him as a representative of his people, laboring at all times for their welfare and their good.

The measure of greatness is not so much what is done as the means by which it is accomplished. In the affairs of this life is is ordinarily results that count, and vastly greater is the genius of the architect who builds the structure of material of his own mold than he who places together that which is already prepared by some one else. Of the first class was MOODY. He had hewn his own timber, molded his own fastenings, and erected his own structure. How well he did it the history of his country and people will tell. Struck down in the vigor of manhood, the beginning of permanent usefulness, we can but speculate his future career and mourn his sad demise. He was here in season and out of season for the people who trusted him and loved him, and their confidence he never abused.

With ceaseless energy he had labored for the fulfillment of his one dream. The Appalachian Park was his hope, and upon its establishment he had set his heart. With patience and anxiety he awaited the opportune hour to tell his people that his work was completed, but it never came. The pale horse and his rider passed this way and another light went out. Those of us still here bow to the will of Him who holds us in the hollow of His hand and doeth all things well and await with simple resignation the final all. This day we dedicate to the memory of those who have preceded us. MOODY'S name we call with reverence; true as a friend, kind and patient as a husband, indulgent as a father, honest as a citizen and legislator, we pay to him this last rite, extend to his community, friends, and bereaved family our

deepest sympathy, and record it upon the pages of our country's history.

For him no more the blazing hearth shall burn,
Or busy housewife ply her evening care;
No children run to lisp their sire's return,
Or climb his knee, the envied kiss to share.

All that was mortal of him we have laid to rest in the silent churchyard among his native hills. There he sleeps silently, peacefully, in the bosom of his country and his God, awaiting his final summons and eternal reward.

The Life and Character of the Late Hon. John L. Sheppard.

REMARKS
OF
HON. JAMES L. SLAYDEN,
OF TEXAS,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOHN L. SHEPPARD, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. SLAYDEN said:

Mr. SPEAKER: JOHN L. SHEPPARD, of the Fourth Congressional district, was the third and last of the Texas Representatives who were summoned in such a brief period to answer to the final roll call.

He was distinguished in his profession and conspicuous for the possession of those virtues that make a man marked among his neighbors and eminent as a citizen.

While his career in Congress was not extended, it was yet long enough to reflect honor on himself and his constituency.

I have always had peculiar respect for the office of judge. To be a just judge is, in my view, to reach the pinnacle of civic honor. Judge SHEPPARD had the reputation of being such a man. He had an exalted idea of the duties and obligations of his position, whether on the bench or in the legislative hall. He did his public work so well that it never merited nor received serious adverse criticism; and his private life was so blameless that it might well serve as a model to the young men of the country. He left to his family the choicest of all legacies—an honored name.

The shield of the kindly Roman maxim—of the dead speak nothing but good—is not needed to protect the reputation of JOHN L. SHEPPARD.

Naval Appropriation Bill.

SPEECH
OF
HON. WILLARD D. VANDIVER,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,
Tuesday, February 17, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes—

Mr. VANDIVER said:

Mr. CHAIRMAN: If I may have the indulgence of the House for a few moments, I only wish, briefly, to refer to one or two matters that may come up later in the consideration of the bill under the five-minute rule. It is not my purpose to indulge in any lengthy discussion or in the consideration of any outside matter. It has occurred to me, however, that the rapid rate which we are traveling in our effort to build up a navy is hardly warranted by the necessities or the requirements of the case. Not that I would impede the proper progress of the Navy. I am in favor of making a substantial, continuous progress in strengthening the American Navy, but I do not believe it is wise, prudent, or economic for us to go ahead authorizing contracts to be made for the construction of vessels that can not be built within the next four or five years.

The report of the Secretary of the Navy, which I have before me, shows that we have now a large number of vessels contracted for and in course of construction that will require at least four years to complete. We are also informed that the plans and specifications for the construction of such authorized vessels are practically the same as those which have been adopted for vessels constructed ten years ago. Now, it occurs to me that in the true American spirit of progress we ought not to wish to go along in one direction with our eyes closed to every other possible improvement. It seems to me that the building of great battle ships, heavily armored, has reached the limit of scientific construction. We have been for years and years proceeding along one line. We have apparently ignored every other means, every other opportunity, for the development of the American Navy.

Now, I do not wish to be understood as opposing anything that is necessary for the development of the Navy; but we are in danger, it seems to me, of coming to the same condition within the next few years that we reached about forty years ago. The old wooden ship that was in use during the civil war in a certain sense, I may say, received its "knock-out blow" in the contest of the *Monitor* and the *Merrimac*. From that time until now we have proceeded on one idea of the armor-clad battle ship. The world received a shock in that contest, and the trend of public sentiment and public opinion—the whole tendency of thought—in connection with the development of the Navy has received its direction and its impetus from that great battle. From that time down to now we have been proceeding upon the theory on the one side that we are to construct an irresistible coating of armor that will protect our battle ships and our sailors from the heaviest and strongest projectiles, while on the other hand a different set of inventors and manufacturers have been proceeding on exactly the opposite theory—that we are to construct a gun with sufficient power of projection to penetrate any armor plate that can be manufactured.

At first it was observed that a coat of 6-inch armor plate would protect the battle ship against the strongest guns then known to warfare. But it very soon developed that the invention of a new gun gave sufficient power to penetrate the 6-inch armor. As soon as that was done, the advocates of heavy armor plate invented a new method of manufacturing armor that made it harder and more nearly impenetrable, and at the same time by thickening the plate made it strong enough to protect the vessel from this new gun. Then some ambitious gun maker, after experiments with conical pointed projectiles and improvements that increased their power, soon developed another gun that would penetrate a 10-inch armor plate. The armor plate must be thickened again. And so it went up to 12 and 14 inches. As soon as that was done, the gun makers came up again to the requirements, and manufactured a gun that would penetrate 14-inch armor plate.

Again the armor plate was thickened and hardened. We have fought over and over again here the question of making armor plate, and what was the best kind of plate and the proper price to pay for it, and all that. The armor-plate manufacturers then raised the limit to the 18-inch plate, the harveyized process being employed to make it, as it was supposed, the hardest possible, and then after that we were informed that the Krupp armor was even better than the harveyized plate, and so we got to the 18-inch armor plate of the Krupp manufacture.

Now, then, we are confronted with another advance in gun manufacture. Within the last few months we have had demonstrated the fact, by actual experiment with the newest and latest gun, that it can be fired a distance of 18 miles, and that its projectile will penetrate 18-inch armor plate of the hardest kind that has ever been made.

So we have had this battle going on for the last ten or fifteen years at least, on the one side being the manufacturers of armor plate and on the other side the manufacturers of guns. And so the contest has waged back and forth. But strange to say, both the armor-plate manufacturers and the gun manufacturers get their chief inspiration from the United States Treasury, because the funds are supplied to both sides of this contest out of the common treasury of the people. Now, I do not wish to impute to any fellow-member on this floor any improper motive. I only go this far in suggesting that the most potent influence that has been brought to bear upon legislation for the building of battle ships and the making of armor plate seems to have come from those districts and those sections of the country in which these great establishments are located, which draw their sustenance from the public Treasury.

Now, then, after this desultory statement of the case, it occurs to me that we are in danger of coming up to the point at which our whole strength of organization and effort is concentrated upon one idea, and that idea, like the one which furnished the foundation of the old wooden fleet, is liable to be blown up in an explosion at any moment, the whole organization of the Navy

Department receiving such a shock that a new turn must be given to the development of the Navy. I do not want to see the time when the United States Navy, with over $200,000,000 invested in battle ships, cruisers, and armor plate, will be set at naught and appraised as valueless, because of some new discovery that we have not availed ourselves of and have not reckoned with.

I discover from some little investigation of naval reports and press dispatches and cablegrams from other countries that at this very time the great naval powers of the world, not content, as we have been for the most part, in pursuing only one line of development, are giving their attention to various lines of development, especially, I might say, in experimenting with other kinds of vessels, torpedo boats and submarine torpedo boats, torpedo-boat destroyers, and other equipments of the navy. At this very time the British navy, the greatest in the world in point of numbers of ships and of men, are engaged in apparently a very determined effort to discover some more effective and cheaper means of coast defense. And so they are building submarine boats and torpedo boats and things of that kind.

I have noticed also that the French Government is developing its submarine fleet with greater rapidity than the English or any other government. I notice also that the Norwegian Government and the Russian Government are experimenting with these new devices. I am frank to say that I believe the time will come, and it will not be far distant either, when great submarine fleets will camp beneath the surface of the ocean, and in a short time destroy your great battle ships that have cost $6,000,000 or $7,000,000 apiece, and that with a $150,000 or $200,000 vessel, two of which in any harbor of the world will be able to defend it against a whole fleet of battle ships. I say that the American Navy, while it is developing along all other lines, should not neglect this. I am in favor of a systematic, persistent, and constant effort to develop submarine navigation. I believe it is destined to become the best means known to modern naval warfare for coast defense, and as a matter of economy it is vastly superior to any that has been discovered.

Now, Mr. Chairman, in view of this brief survey, it seems to me that it would be a wiser course for us to pursue, instead of authorizing more battle ships and cruisers to be constructed, and thus giving opportunity for fat contracts reaching into the distant future four or five years or more, we ought to pause and consider. Let us wait until at least these vessels that are already authorized are in course of construction, if not completed. There are some of them already authorized in last year's bill that are not yet contracted for. Let us pause, I say, and catch up with what the rest of the world is doing in other lines before we proceed further in this direction.

We have heard something in connection with the personnel of the Navy, about "the hump" created by there being too many officers near the same age in rank and grade coming into the Navy at nearly the same time. We are in danger of having the same condition of things in reference to the ships, a great number of vessels of the same kind, immensely expensive and liable at any time to become worthless, because of new inventions and new discoveries and greater improvements in other directions. I would have the naval architects for the next year or two to spend their time in studying new devices, that we may be reaching out in other directions. We have proceeded upon one line until the thickness of the armor plate and the power of the projectile have reached their maximum limit.

You can not increase the weight of the armor any more, because when you do so you will sink your vessel with its own weight. If you have increased the power of the projectile to its maximum and can penetrate that armor, then what is the use of making any more of it?

I say it is time for us to call a halt on this particular line. I want the development of the Navy to go on, but I want it to go on along broader lines.

One other suggestion, and I am through. Reference has been made to comparisons with other nations. Within the next four years the United States Navy will be at least equal to that of Germany if we do not authorize another vessel. I am not seeking to draw any comparison for purposes of aggravation or for stimulation of national pride; but as Germany has been frequently referred to, I think it is not improper to say here that according to the records of the German naval reports for the last year that nation will have completed and in commission by the year 1906 19 battle ships and 11 armored cruisers of the first class, while the United States Government, without authorizing another single one, but completing only those which are already authorized, will by that time have 20 battle ships and 16 armored cruisers.

No other nation in the world, in my humble judgment, has a navy superior to that of the United States, except Great Britain; and with her distant colonies, with her vastly extended territory, I can conceive of no combination of circumstances that would ever make it prudent for the British navy to come in contact with ours. I believe, on the other hand, that whenever she does so the American sailor will demonstrate his superiority in gunnery and his superiority in courage—in all that goes to make up naval heroism. He has demonstrated it in every contest in which he has ever engaged. I believe we are in no danger from any such source. But should that danger ever arise, the descendants of the heroes of the past will not be wanting in ability to sustain the glory of the American Navy on any waters in the world.

I believe, sir, that the American boy, grown up in our own country, accustomed to the use of the shotgun and the rifle, and then trained to gunnery as he comes into the Navy, and with his experience in the woods as well as on the naval vessel, will always be able to hold his own with the gunners of any country on earth. [Loud applause.]

Post-Office Appropriation Bill.

SPEECH
OF
HON. JAMES M. GRIGGS,
OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 4, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 16930) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes—

Mr. GRIGGS said:

Mr. CHAIRMAN: When the Democratic campaign book, which seems to have become so popular of late with our Republican friends, was issued, I realized that I could no more avoid responsibility for its few imperfections than I could claim for myself any credit for its very many good qualities. Therefore, when my friend from Connecticut [Mr. HILL] took the floor on last Saturday to criticise certain figures in this book, I knew then, as I know now, that I was responsible, not only to my associates on this side of the Chamber, but to the gentlemen on the other side of the Chamber and to the country at large for whatever errors, if any, the gentleman from Connecticut might be able to show up.

My friend from Connecticut begins his quarrel with the Democratic campaign book with the threadbare charge that we make the claim that anthracite coal is on the free list. I confess that this is an error. But my friend forgets to allege that the President of the United States made the same statement; he forgets to call attention to the fact that the distinguished Secretary of the Treasury made the same declaration; he forgot to say that every Republican who was on the stump in the last campaign made the same mistake. He possibly does not know that the Bureau of Statistics of the Treasury Department furnished all of us with the alleged facts in the case. Where should we go for statistics on the tariff?

Where are we to go for figures on this question if not to the Statistical Bureau of the Government? You will find, gentlemen, in the statistical abstract compiled by the Treasury Department and in the pamphlet called "Foreign Commerce and Navigation," with which we are supplied monthly by that bureau—in every one since the Dingley law was enacted—the statement that anthracite coal is on the free list. The gentleman from Connecticut holds up his hands in holy horror, saying that this is an official misstatement by the Democratic party. The official "misstatement made by the Democratic party" was taken from the sworn official misstatement of the Republican head of the Bureau of Statistics and corroborated by the Republican President and Secretary of the Navy, and in the speeches of every Republican of sufficient prominence to get his speech in the newspapers. I admit that the country is getting in a bad way whenever there is anything found out of which the present Administration is ignorant.

Mr. LANDIS. Will the gentleman allow a question?

Mr. GRIGGS. Oh, yes.

Mr. LANDIS. Is it not true that in the Dingley bill both bituminous coal and anthracite coal are printed as on the free list?

Mr. GRIGGS. Yes, that is true——

Mr. LANDIS. It was very easy, then, to make that mistake.

Mr. GRIGGS. With a proviso—that all coal that competes with the anthracite coal produced in America is not on the free list.

Mr. LANDIS. I know that; but I contend it is very easily explained that a mistake should have been made. I made the mistake myself twenty times on the stump during the campaign.

Mr. GRIGGS. My friend from Massachusetts [Mr. THAYER]

suggests that the mistake which the gentleman acknowledges he made only keeps company with other mistakes which the gentleman from Indiana makes—

Mr. LANDIS. I admit that.

Mr. GRIGGS. On the stump and elsewhere.

Mr. LANDIS. I was coming to the gentleman's rescue; I am glad he appreciates my efforts.

Mr. GRIGGS. I am very much obliged to the gentleman for "coming to my rescue."

Now, then, gentlemen of the House of Representatives, that statement made in the Democratic campaign book was taken, as I have told you, from the records compiled, made up at the Treasury Department and published by the head of that Department, and if anyone is responsible for the mistake it is the Republican party, the party to which my friend from Connecticut [Mr. HILL]—and I am sorry he is not on the floor to-day—belongs.

Now, then, it took the Treasury Department five years under the Dingley bill—the great bill to which my Republican friends attribute all the prosperity which has come to the American people during the last five years—I say it took the statistician of the Treasury Department five years to ascertain the fact that coal was not on the free list, and he did not discover it then. A New York newspaper first called attention to the fact that coal was dutiable. Now, if it required five years to ascertain that coal was not dutiable under that bill, and if it is true, as your Secretary of the Navy charged in a speech made in the last campaign, that this provision imposing a duty on anthracite coal was "sneaked" into the Dingley bill, how could the compilers of this book be expected to ascertain the truth of the situation in the short time given them? The same is true of petroleum. That is another "sneak." That was "sneaked" into the Dingley bill.

The Standard Oil Company did not need the protection of this law until the coal strike, but when the coal strike came, with all of the consequent suffering, the Standard Oil Company used this law to squeeze more blood from the people by running up the price of oil. Besides the plain provisions of the law they secured the additional protection accorded them by the ruling of the General Board of Appraisers; that oil which was refined in England, although it was imported from Russia to England in a crude state and there refined, was dutiable. At the same time the people of this country were suffering from the coal famine the Standard Oil Company was increasing its profits by putting up the price of oil; and they were protected in this by this same Dingley law.

The main quarrel of the gentleman from Connecticut with us seems to be in regard to the list of prices of leading commodities as printed in the appendix to the campaign book. The book says, in introducing that table:

The prices in the following list are mainly from the Bulletin of the Department of Labor, No. 39, March, 1902. These prices are quoted January and July, from 1896 to 1902, inclusive. The table gives the rate of duty on each article, and, when known, the trust or combine which controls the price of the article.

In this table we gave simply facts. In the comparison of the facts we attempted nothing but to state the bare truth, and, remarkable as it may seem, these truths were for the use of Republicans as well as Democrats; and I am delighted that at least a few Republicans are beginning to study the figures set forth in that book. They will find if they will go through the book from beginning to end—if they will study the figures and facts printed on every page—they will find that they, in the language of my friend's reference to me, are building better than they know.

These tables show that the price of nearly every important article is controlled by a trust which is protected by a tariff duty, and that the prices of these protected trust articles have advanced greatly since 1896.

Now, 11 of the articles named by us as on the free list, and to which the gentleman from Connecticut [Mr. HILL] called attention, as follows—I want gentlemen to listen—binder twine, coal, coal (broken), copper, flax, jute, petroleum (crude), petroleum (refined), petroleum (150 test), rubber, and sisal, had an average increase of 34 per cent in price. These were named in the book as being on the free list.

Now, let me call particular attention to two articles in that list of the gentleman from Connecticut, viz, binder twine and sisal. Binder twine is made from hemp imported from the Philippine Islands, and sisal, which grows in Mexico. Both articles are on the free list; but when the war in the Philippines broke out, when the ports were closed to us, when industry was destroyed for a while in those islands, binder twine, under the impulse, went up 119 per cent, and in sympathy with it sisal went up 217 per cent. Excepting these two articles, the average increase in price of the 11 articles named by the gentleman from Connecticut is 4 per cent.

Now, that is the fair and generous statement which the gentleman from Connecticut [Mr. HILL] presents for a comparison with another list of protected articles, the price of which he claims shows a smaller increase than the foregoing free list.

The average increase of articles on the free list named by us in the book, omitting those two articles of sisal and binder twine, one of which has advanced 119 per cent and the other 217 per cent, has been an average of 4 per cent only. The war in the Philippines increased the price of those two products, binder twine and sisal, 119 per cent in the case of one and 217 per cent in the case of the other. Now, that is a tax on our Western farmers, and was brought about solely by the Philippine war.

[At this point Mr. HILL entered the Chamber.]

Mr. GRIGGS. I am delighted to see my friend from Connecticut. I will state to him that I was just speaking of his generosity and fairness in the tables of figures set forth in his speech of last Saturday, in which he said he had been more generous to his Democratic opponents than he had to himself and to his Republican friends. My friend said it was unfair to include coal in the list of articles, and left coal out of his table, because coal had been increased in price by the strike. At the same time, the figures which he gives in his speech are for five years, up to 1901 according to his speech, but really up to 1902. That was merely a little error into which my friend from Connecticut fell. Now, then, the average increase in the price of coal up to 1902, before this strike began, was only 16½ per cent, and——

Mr. HILL. Will the gentleman pardon me? The figures I gave were up to 1902.

Mr. GRIGGS. I said so.

Mr. HILL. Yes; but I left out coal because the price of coal in 1902 was influenced by extraneous circumstances, and I did not think it would be fair to use it.

Mr. GRIGGS. The gentleman said the only authority quoted in his speech was the Democratic campaign book.

Mr. HILL. Yes.

Mr. GRIGGS. Then all of his figures must be up to the time stated in the campaign book. In his speech the gentleman said 1901, and it is so printed in the RECORD. I am sure he intended 1902.

Mr. HILL. If it is so printed in the RECORD, it is by mistake. The figures are all given up to 1902.

Mr. GRIGGS. I know that I am exonerating my friend from any juggling on that score, but what he did juggle in is this: He took the price of coal after the strike had run up the price enormously and after the Democratic campaign book had been made up and said that by adding coal to the list of articles on the free list it would make an advance of 74 or 75 per cent; but at the same time he stated that his only authority quoted in that speech was this campaign book.

Mr. HILL. And consequently I left coal out and did not put it in.

Mr. GRIGGS. And yet the strike was not on then. Coal had not gone up at that time.

Mr. HILL. In 1902?

Mr. GRIGGS. No, sir; not at the time the campaign book was compiled; and the average increase in the price of coal up to the time of the compilation of this book was 16½ per cent.

Mr. HILL. What difference does it make so long as I left it out?

Mr. GRIGGS. I am simply showing how my friend juggled to get his 74 per cent.

Mr. HILL. I did not claim 74 per cent. I said 26.

Mr. GRIGGS. I understand. The gentleman said his figures made 26 per cent, but that if he put in coal it would make 74 per cent.

Mr. HILL. But I did not put it in.

Mr. GRIGGS. You put it in in that way.

Mr. HILL. Oh, but I said I left it out in the comparison.

Mr. GRIGGS. I know the gentleman left it out of his table but put it into his speech, and that is what I am driving at now. The gentleman knows that the meanest way to convict a man before a jury is for the witness to tell the jury how fond he is of the defendant and how much he regrets the circumstances which make of him a murderer, and the meanest way to juggle with figures is to give the figures correctly and then say, "If I were to put in something else it would make so and so, but I am too fair to put that in."

Mr. HILL. Let me ask the gentleman, Did I not get the figures in making this comparison absolutely correct as quoted from the campaign text-book?

Mr. GRIGGS. Oh, I do not doubt that.

Mr. HILL. Then I do not see that I have any very serious thing to be sorry for in the statement that I made, if I gave them absolutely correctly as compiled by the gentleman himself; and I rejoice and enjoyed very much making up the comparison and, indeed, reading the whole book, for I thought it was an excellent argument for the Republican party during the campaign.

Mr. THAYER. That is something which the gentleman did not have in his own book.

Mr. GRIGGS. Did you use it?

Mr. HILL. I did.

Mr. GRIGGS. Now, I want to call attention to another table of the gentleman from Connecticut [Mr. HILL]. Here are his 21 articles that he selected from our table of trust-controlled articles:

Mr. Hill's protected list.

Article.	Price January, 1890.	Last price.	Increase.	Per cent of increase.
Alcohol	$2.32	$2.51	$0.19	8
Brick	5.50	6.25	.75	14
Crackers	.065	.08	.015	23
Cotton flannels	.065	.0825	.0125	4
Cement, Rosendale	.85	.95	.10	12
Fish, salmon	1.65	1.65	.00	0
Ginghams	.0513	.0475	.0038	8
Glassware	1.25	1.30	.05	4
Fresh beef	.0825	.09	.0075	9
Salt pork	10.00	19.75	9.75	97
Smoked ham	.0925	.125	.0325	35
Salt beef	16.00	22.50	6.50	41
Nails, wire	2.85	2.10	.75	26
Nails, cut	2.60	2.05	.55	21
Pig iron	10.75	20.25	9.50	88
Rice	.0525	.0575	.005	10
Sugar, raw	.0375	.0337	.0038	10
Salt, Ashton's	2.10	2.25	.15	7
Steel rails	28.00	28.00	.00	0
Tin plates	3.50	4.19	.69	20
Sugar, refined	.0472	.0475	.0003	1
Average (21)				14⅞

An average increase of 14⅞ per cent.

Mr. HILL. Fifteen and a quarter.

Mr. GRIGGS. It makes 14⅞ per cent, but your figures were 15¼.

Mr. HILL. I think in the reading rice was omitted. Rice was included as one of the articles.

Mr. GRIGGS. Very well.

Mr. ADAMSON. Get it right.

Mr. GRIGGS. I am giving the gentleman every opportunity in the world to set himself straight. Five of the articles specified in your list are not named in the Democratic campaign book as being controlled by trusts.

Mr. HILL. Which ones?

Mr. GRIGGS. Cotton flannels, ginghams, certain kinds of glassware, rice, and Ashton salt.

Mr. HILL. Will the gentleman allow me to read an extract from his own publication?

Mr. GRIGGS. Yes.

Mr. HILL (reading):

Because no trust is mentioned as in control of the price of any article does not mean that the price is not fixed by some trust or association, but only that the compiler of this matter is uncertain if the price is so fixed.

Mr. GRIGGS. That is right.

Mr. HILL. I would ask the gentleman if he did not intend in publishing this list to publish a list showing the tariff duty on each when known, the trusts, combinations, or associations in control of price, by half-year periods from January 1, 1895, to July 1, 1902? And does he now intend to tell the House that some of the articles so included were not the products of trusts after he has put it forth to the country that they were the products of trusts?

Mr. GRIGGS. No.

Mr. HILL. He can make his own explanation.

Mr. GRIGGS. The gentleman was criticising the Democratic campaign book. We do not claim in that book that five of the articles named by you were controlled by trusts. When we were sure of a thing we said so. When we were not sure we left it for the people to ascertain for themselves. That is the truth of it. We did not say these articles were controlled by trusts, because we were not sure. Now, I would like to ask the House why my friend from Connecticut, in his great fairness and in his great generosity to the Democratic party, and to those of us who had to do with the compiling of the campaign book, why he selected this particular list of articles? He took less than one-eighth of the articles on the dutiable list and compared them with all the free list.

Does he consider such conclusions based upon such premises as worth the paper upon which they are written? He could with just as good reason take the following list of articles from the table in our campaign book. He could have taken barbed wire, bar iron, cotton-seed oil, calicoes, linseed oil, lard, meats, salt pork, meats, salt beef——

Mr. HILL. I did take them.

Mr. GRIGGS. Manila rope——

Mr. HILL. I did take them.

Mr. GRIGGS. I said you did not take the entire list and that you might as well have taken this list which I am trying to read.

Prices of 21 articles, all the products of protected trusts.

Article.	Price, January, 1890.	Price, July, 1902.	Difference.	Per cent difference.
Barbed wire	$2.025	$3.10	$1.075	53
Bar iron	.0125	.0183	.0058	46
Cotton-seed oil	.28	.45	.17	61
Glucose	1.20	2.22	1.02	85
Linseed oil	.42	.67	.25	60
Lard	.0565	.106	.0465	82
Meat, salt pork	10.00	19.75	9.75	97
Meat, salt beef	16.00	22.50	6.50	41
Manila rope	.07	.135	.065	93
Muriatic acid	.0075	.017	.0095	127
Pig iron, gray forge	10.75	20.25	9.50	88
Pig iron, foundry	13.56	22.75	9.19	68
Pipe, lead	.033	.052	.019	58
Putty	.0145	.0225	.008	55
Raisins	1.25	1.70	.45	36
Steel billets	16.60	34.00	17.40	105
Steel bars	1.25	1.90	.65	52
Sisal rope	.05	.10	.05	100
Sulphuric acid	.007	.013	.006	86
Sadirons	.025	.065	.02	40
Wire rods	23.00	36.00	13.00	56
Average (21)				70½

The average increase in price is over 70 per cent on these dutiable articles, most of which, if not all, are controlled by some trust. Now, gentlemen, you are welcome to all the comfort you can get out of the figures of my friend from Connecticut. In this table which I have just read you, showing an advance of over 70 per cent in price, every article is dutiable, and the price of every one is controlled by some trust. I hope my friend will continue to study the Democratic campaign book.

Mr. HILL. I shall.

Mr. GRIGGS. I believe that the truth will make you free, and if you can ever bring yourself to know the truth I believe that even the gentleman from Connecticut, hidebound as he is, can thus become free.

Now, my friend found one other statement in our book which appeared to be a sweet morsel to be rolled under his tongue. In all this book—which he says he has studied harder than any Democrat, which he says he understands better than any man on the Democratic side of the House, which he knows better than the men who made it and who compiled the statistics—he found one article the price of which was higher in 1896 than it is in 1902. That is wire nails.

He says that before the enactment of the Dingley tariff law, according to Democratic authority, the price of wire nails was $3.15 a keg, and in 1901, after five years of the Dingley tariff bill, and after the organization and full operation of the United States Steel Company, they were $2.10, and have since gone down to $1.85. Presuming that in this quotation he means 1902 when he says 1901, we will see what are the facts. If you will turn to pages 199 and 200 of the campaign book, which my friend always carries in his pocket for reference, you will find the following:

Early in 1895 wire nails were selling at a "base" price of 75 to 80 cents a keg in Pittsburg. In May two associations, one for cut and one for wire nails, got together and put this price up to $1.20. These associations pooled and the wire nail people "contributed financially to enable the Cut Nail Association to keep control of the market, especially in the payment of subsidies to keep idle the large number of cut-nail machines," as the Iron Age of December 3, 1896, tells us. The associations regulated the amount of nails offered for sale each month and the price at which they should be sold. Understandings were had with Canadian manufacturers. Nail-machine makers were subsidized not to sell to those outside the associations. Jobbers who did not cut prices were given rebates.

Prices advanced almost steadily for one year. By May, 1896, wire nails were selling at $2.70 per keg in Chicago and $2.55 in Pittsburg. The pool held together until December, 1896, when prices broke more than 1 cent per pound.

On December 3, 1896, the Iron Age said that high prices of cut and wire nails had reduced consumption from over 9,000,000 kegs in 1891 and 1892 to less than 8,000,000 in 1895, and in 1896 to probably far less than in 1895, notwithstanding the fact that a large amount of nails have been exported into foreign countries at less than half the price that the American public paid for their nails.

Mr. HILL. Will the gentleman object to being interrupted?

Mr. GRIGGS. The gentleman knows me well enough to know that I do not.

Mr. HILL. I think it would be wise to explain right here as to what that possibly meant, if the gentleman will allow me——

Mr. GRIGGS. I did not yield for a speech.

Mr. HILL (continuing). From a Democratic standpoint.

Mr. GRIGGS. Now, if the gentleman wants to ask me a question I will answer it, but I shall not go to Connecticut for lessons in political wisdom.

Mr. HILL. I was just going to give you the facts—under the Wilson tariff act nails were selling at 79 cents at the manufactory, and in 1897, after the Dingley bill was passed, at 50 cents—as showing from the gentleman's standpoint that that might have made some difference in the price at that time. I was simply showing how under the different tariffs the Republican tariff

nails were lower than under the Democratic tariff, and came down from 79 to 50 cents.

Mr. GRIGGS. I know about that.

Mr. LANDIS. I would like to ask the gentleman a question.

Mr. GRIGGS. Perhaps I had better get through with the gentleman from Connecticut first. [Laughter.]

Mr. LANDIS. That trust being in existence at that time, as I understand the gentleman to say, from 1892.

Mr. GRIGGS. I did not say there was any trust in existence at that time.

Mr. LANDIS. My understanding was that way.

Mr. GRIGGS. No, sir. That is another one of my friend's mistakes.

Mr. LANDIS. It is true that the trust had control of the output at that time.

Mr. GRIGGS. No; I do not think so. There was an association.

Mr. LANDIS. We will call it an association at that time, but it was a trust organized to control the most of that output.

Mr. GRIGGS. No; it was not organized into any sort of association except by agreement.

Mr. LANDIS. It was an agreement.

Mr. GRIGGS. Yes.

Mr. LANDIS. And is a trust?

Mr. GRIGGS. I did not say so, but it probably was.

Mr. LANDIS. The Democratic party was in absolute control of the legislative and executive branches of this Government at that time, and I would like to ask the gentleman why his party at that time did not enact some sort of legislation to destroy that trust and abrogate such an agreement?

Mr. GRIGGS. In reply, I ask my friend, with all the years that the Republican party had been in power, why they should throw it up now to the Democratic party that it in two years could not do what the Republican party had not done in twenty-five years? If the platform positions and the stump positions of our friends on the other side of the House are true and in good faith, trusts would long since have been controlled.

Mr. LANDIS. In reply I would say this. In your platform of 1892——

Mr. GRIGGS. No, no; my friend.

Mr. LANDIS. You invited this. In your platform of 1892, upon which you elected Grover Cleveland President of the United States and secured control of both Houses of Congress, you pledged your party, not only to enforce the legislation then on the statute book, but to strengthen that enactment by additional legislation. You had absolute control of this Government for two years. You secured control upon that platform; and I would like to ask the gentleman why his party during that time did not write on the statute books of this Republic some sort of law that would handle these trusts.

Mr. GRIGGS. Oh, I can not let the gentleman insert a stump speech in the stomach of my remarks. [Laughter.]

Mr. LANDIS. That is a question I want the gentleman to answer.

Mr. GRIGGS. That is but a repetition of the gentleman's first question. I can no more answer it than the gentleman from Indiana can tell why the Republican party has not accomplished the same thing in twenty-five years' control of this Government.

Mr. LANDIS. The only legislation that has ever been enacted was enacted by the Republican party. You told the people that if you could get control of the Government you would strengthen the legislation.

Mr. GRIGGS. I decline to yield further to the gentleman. I am willing to discuss this question with my friend if he will take his own time, but I am not willing to yield my time to him. We, as you, have promised a great many things to the people of the United States, but we have not had, as you have had, the opportunity for twenty-five years of carrying out those promises.

The President and the Cabinet and, if I understand correctly, that side of the House now claim to believe that a constitutional amendment is necessary in order to control trusts. You found that out after twenty-five years of control of the Government and twenty-five years coincident growth of trusts. This temporary pool to which I have referred lasted only about half a year after the Wilson bill became law, and then it went to smash. The price of wire nails remained low—from $1.35 to $1.50 per keg—until the passage of the Dingley law, when they rose to $3.35 in 1900, the highest price known since the use of wire nails became general. But I am now discussing simply the accuracy of the Democratic campaign book.

It so happens that the first and second date of our tables was at the time when the prices under the temporary pool were the highest. If my friend from Connecticut had taken the prices at any time after they broke in 1896—before the passage of the Dingley Act, in 1897—he would have found them lower than at any time during the four years following the enactment of the Dingley law. Now, according to the Iron Age, a paper which quotes prices monthly, the average price of wire nails for four years from 1894 to 1897, inclusive—the Wilson bill years—was less than $1.70 per keg, while the average price for the four years 1899 to 1902, inclusive, was $2.95, or nearly twice the average of the four years of the Wilson bill.

Mr. HILL. May I ask the gentleman if this information is supplemental to the Democratic campaign book?

Mr. GRIGGS. This is in answer to my friend's speech of last Saturday.

Mr. HILL. I took the figures—as I said at that time, and thought it was unnecessary to go any further—I took them wholly from the Democratic campaign text-book.

Mr. GRIGGS. Yes; and they were absolutely true.

Mr. HILL. That is what I thought.

Mr. GRIGGS. The deductions my friend made were incorrect.

Several of my friends have rushed to the defense of our campaign book and myself from this attack, and I thank them for it, but I must ask the House to indulge me in a little anecdote. A Georgia school-teacher had described to her Sunday-school class the great two-horned, red-eyed, cloven-hoofed, forked-tailed devil going about over the earth seeking bad boys to devour, and after she had finished the lecture, beginning at the head of the class, she said: "Johnnie, aren't you afraid of the great big, red-eyed, forked-tailed devil?" "Yes, 'um." "Aren't you afraid of him, Billy?" "Yes, 'um." "Aren't you afraid of him, Tommy?" "Yes, 'um," until she got to a little, red-headed, freckle-face fellow at the foot of the class. To him she said: "Dick, aren't you afraid of the great, two-horned, red-eyed, forked-tailed devil?" "Yes, 'um; I am scared of that big devil you've been talking about, but if you will trot out a little devil, about my size, I'll give him hell." [Laughter.]

It is possible that I am afraid of some of the big, red-eyed, forked, tailed, scaly-backed, cloven-hoofed devils of the Republican party-Mr. Chairman, but my friend from Connecticut—— [Laughter.]

Just one more word and I am through. Answering the question of the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] if American-made goods were not sold at a lower price to foreigners than to home purchasers, the gentleman from Connecticut [Mr. HILL] said:

> Now, the gentleman has asked me a question fairly, whether I do not know that some articles are sold abroad for less than they are sold at home. Yes, I do know it; but I know that there are commercial and business reasons for it; and, on the other hand, I know that there are many articles sold abroad at higher prices than they are sold at home, but there are commercial and business reasons for that.

The gentleman from Connecticut admits that some articles are sold cheaper abroad than here, but claims that some are sold higher abroad than here. That is true also; but many—in fact, most—of the articles exported from the United States are sold at lower prices abroad than they are sold here. Why? Because they are sheltered here by the tariff, which enables the manufacturer to make such prices as he sees fit, as a tax on the thrift of the American people, while in order to build up his trade abroad he sells the same goods at lower prices in foreign countries.

Mr. Schwab, president of the steel trust, a man who is better acquainted with this question than almost any other, in his testimony before the Industrial Commission admitted that American manufacturers were in the habit of selling goods cheaper to foreigners than to our own people.

But I have something better than this. Here is the price list of the Exporters and Importers' Journal for May, 1902. This list was photographed and put into our campaign book, showing the discounts on goods shipped to foreign countries. We had great trouble in securing this list, but we finally got it, and it is photographed in this campaign book. Now, what do we find? You will find on pages 171-172 of this Democratic campaign book a list of articles with the percentage of difference in price to foreigners compared with the American purchasers. This list is based on the figures in the Exporters and Importers' Journal and the special discount sheet accompanying it.

I will name just a few articles and give the difference in the price to Americans and foreigners. Borax, 210 per cent; the difference in the price of axle grease to Americans and to foreigners, 20 per cent; the difference in the price of meat choppers, 38 per cent; the difference in the price of wire nails to the people of the United States and the people of foreign countries is 58 per cent; the difference in the price of malleable-iron rakes, 27 per cent; the difference in iron, 25 per cent; the difference in the price of sausage stuffers to foreigners and the people of the United States, 20 per cent; the difference in the price of saws, an article of common need, of necessity to the workingman, the difference in price is 62 per cent. In every case the difference in price named here is in favor of the foreigner and against the home purchaser. There are many others which I have not the time to name. Republicans do not care to discuss this question of lower prices to foreigners. They can not meet it, and they must admit it.

Now, Mr. Chairman, if the gentleman wants to understand fully and completely the theory upon which this Government was established, that of the greatest good to the greatest number, I would advise him not only to carry the Democratic campaign book with him in his pocket during the day, but to sleep with it under his pillow at night. I would advise him to take it early in the morning and study it until late in the evening, to study it through the hours of the night, and finally, possibly, it may get into the head of my friend from Connecticut that the Democratic theory of equal rights to all and special privileges to none is the theory upon which this Government was established and must stand if it is to endure. [Applause on the Democratic side.]

I print as an appendix a table of home and export prices of American-manufactured goods.

APPENDIX A.

The Republicans continue to tell the people that our protected trusts do not sell their products cheaper to foreigners than to Americans, or that if they sometimes do so it is only to get rid of a surplus or to keep the mills running.

Mr. Charles M. Schwab, the president of the billion-dollar steel trust, told the Industrial Commission in May, 1901, that all kinds of manufactured goods were always sold much lower for export than in the home market.

Mr. John W. Gates, of the steel and wire trust, told the Industrial Commission in November, 1899, that steel and wire goods were sold lower to foreigners.

Mr. A. B. Farquhar, of York, Pa., one of our largest manufacturers of agricultural implements, says: "Certainly our manufactures are sold much lower abroad."

An official Government publication under the present Republican Administration—Report of the Bureau of Statistics on Commerce and Finance for August, 1900—admits that American steel rails and plates are sold in foreign markets far below the price charged here.

The Iron Age the Oil, Paint, and Drug Reporter, and other trade papers frequently contain statements and quotations showing the great difference between export and home prices. Numerous letters in the Iron Age during the last two years from manufacturers and dealers have complained of the fact that some manufacturers still treat Hawaiians as foreigners and give them the benefit of export prices, although our tariff wall now extends around Hawaii, and there is no good reason why Hawaiians, who now live under our flag, should not be compelled to pay protected trust prices. But the trusts understand their business and are weaning our new Pacific island citizens gradually from low foreign to high home prices. In the meantime enterprising dealers on the Pacific coast are buying goods in Hawaii and bringing them back to undersell the manufacturers who shipped the goods to Hawaii. A similar condition of affairs exists as to Porto Rico, more recently annexed to this trust-ridden country.

But this and much more similar evidence is insufficient to convince the Republican politicians who are unwilling to be convinced. The people will never learn the facts as to export prices from Republicans.

Of course the protected manufacturers advertise their very low export prices in price lists and journals which circulate only in foreign countries. They try to prevent any copies of such journals from reaching our people and have been most successful in their efforts to keep us in ignorance of the exact facts.

When the Democratic Congressional committee wished to advertise, offering a reward of $100 for one of these export-price journals, the advertisement was refused by nearly all the leading newspapers in New York City. The editors did not wish to offend the trusts. The New York World published the offer and the committee at last succeeded in obtaining several export journals, and the Democratic campaign book contains 15 pages of matter photographed from these journals. The prices there quoted, although they are retail prices or prices for small lots of goods, are far below any prices procurable in this country.

The following list is from the Democratic campaign book:

Export and home prices.

Article and description.	Export price.	Home price.	Per cent of difference.
Acetylene gas generator, Colt, 10-light	each	$40.00	$55.00	37
Ammunition caps:				
BB round	1,000	1.03	1.49	43
Central fire, 32 long, Colt's	1,000	6.48	9.00	40
Rim fire, 22 long	1,000	2.16	3.00	39
Primed shells, 22 short	1,000	.72	1.53	112
Axle grease, Snow Flake (gallon cans)	doz	4.50	5.40	20
Borax, city refined	pound	.02½	.07½	210
Carbide, lump	ton	55.00	70.00	27
Chucks:				
Skinner's standard drill, No. 100		3.09	4.90	58
Skinner's ind. lathe, F, 12-inch	each	15.88	24.00	51
Union Manufacturing Co., ind., No. 18, 10-inch	each	10.20	16.60	63
Union Manufacturing Co., face plate jaws, No. 48, 8-inch, 4 set		23.52	39.00	66
Coffee and spice mills, Enterprise	each	a.40	b25-30	20
Fruit presses, Enterprise, No. 46		8.82	11.00	25
Harness snaps, Covert's:				
"Trojan" loop, 1¼-inch	gross	2.40	3.23	35
"Derby" loop, 1-inch		1.68	2.24	33
"Yankee" roller, 1¼-inch XC breast strap		1.00	1.37	37
Lead, pig	100 pounds	2.00-2.50	3.97½	58-98
Meat choppers, Enterprise:				
No. 5	each	.75	1.04	39
No. 10	do	1.14	1.56	37
No. 22	do	1.51	2.08	38
No. 32	do	2.25	3.12	38
Nails, cut, 20d. to 60d	100 pounds	1.80	2.05	13
Nails, wire, base price	do	1.90	2.05	58
Oil-well supplies		(c)	(c)	(c)
Piano, Bradbury	each	225.00	275.00	18
Playing cards, United States Playing Card Co., Bicycle	gross	12.35	25.65	108

Export and home prices—Continued.

Article and description.	Export price.	Home price.	Per cent of difference.
Powder:			
Duck, in can, pound	pound	$0.37½	$0.45	20
Duck, in 25-pound kegs	do	.24½	.32	30
Indian rifle, in 25-pound kegs, FFFg, etc., pound		.11½	.16	37
Seeders, raisins and grapes, Enterprise		d.40	b25-30	30
Rakes, malleable-iron shanks:				
10-inch	dozen	1.18	1.50	27
12-inch	do	1.28	1.60	25
14-inch	do	1.39	1.75	26
16-inch	do	1.50	1.85	23
Sadirons, BB, in cases	pound	.02½-.03½	.03½-.04	25
Sausage stuffers, Enterprise		a.40	(e)	20
Saws, Disston & Sons:				
Band—				
2½-inch, gauge 18	foot	.21	.34	62
10-inch, gauge 18	do	1.25	1.54	23
Butchers'—				
No. 7, 24-inch	dozen	8.50	10.22	20
Hand—				
No. 12, 24-inch	do	14.82	18.04	22
No. 16, 24-inch	do	11.97	14.57	22
No. 107, 24-inch	do	10.83	12.30	13
Sewing machines:				
Domestic, No. 1	each	13.25	20.00	50
Domestic, No. 4 or 9	do	17.48	25.00	43
Shovels:				
Baxter, sock. strap	dozen	5.83-6.52	7.50-8.40	29
Rowland, pl. back	do	5.12-5.83	6.75-7.00	29
Thomas, c. s. b. st's	do	4.19-4.95	5.40-6.30	29
Tin plates, Bessemer	100 pounds	3.19	4.19	31
Typewriters, Remington and others	each	55.00-65.00	100.00	54-82
Wire, barb:				
Galvanized	100 pounds	2.25	2.90	29
Painted or varnished	do	1.86	2.60	40
Wire, plain, fencing, varnished	do	1.35	2.00	48
Wire, plain galvanized:				
Gauge 4 to 9	do	1.54	2.70	75
Gauge 10 to 11	do	1.62	2.97	83
Gauge 12	do	1.76	3.10	76
Gauge 13 to 14	do	1.81	3.37	85
Gauge 15 to 16	do	2.08	3.78	81
Gauge 17	do	2.46	4.05	65
Gauge 18	do	2.63	4.32	64
Rubber insulated		(f)	(f)	(f)
Steel armor, for cable	pound	3.75	4.15	11
Wire rope:				
1 inch circumference	100 feet	.72	2.60	261
Galvanized, 2½ inches circumference, 100 feet		3.12	9.70	211

a And 2 per cent.
b Per cent.
c Cheaper in Russia than in United States.
d And 5 per cent.
e 25 cents to 25 cents and 7½ per cent.
f 25 per cent off for export.

The export prices on heavy steel goods like rails, billets, structural materials, etc., are not contained in the table, partly for the reason that the present home demand in these lines is such that our manufacturers are not just now bidding for export business. They are, however, filling orders at prices from 20 to 40 per cent below home prices, and are undoubtedly securing some new orders, especially in bridge material. It should be remembered that the pools and price agreements on rails, billets, sheets, plates, structural work, etc., are not in force on export goods, and our manufacturers usually compete freely in foreign countries. The blessings of competition are still enjoyed by foreigners even when dealing with protected manufacturers.

The export prices of barb and plain wire and of wire nails are taken from the South African Market Report of February 1, 1902, issued by Arkell & Douglas, of New York, DOUGLAS being a Republican Congressman. Two other export journals quote about the same prices.

The present price of our borax in England is obtained from Mr. Ernest L. Fleming, a manufacturer and importer and exporter of borax, soda, etc., of Wareham, England. The duty of 5 cents per pound enables the borax trust to charge 7½ cents here, while selling freely at 2½ cents in England.

The prices on wire rope, sold here for three and one-half times the export price, are obtained from the quoted prices (with discounts) of the trust here and from foreign manufacturers and importing dealers. The tariff amounts to about 100 per cent. An explanation of the possibility of this great difference is given in the campaign book, which discusses the bulldozing methods of the trust, which contributed $100,000 to the Republican campaign fund of 1896.

The tin-plate trust has been for nearly two years selling plates to the Southern Cotton Oil Company and other exporting manufacturers of canned goods at about $1 per box below the regular prices. It offered to meet the Welsh prices (about $1.50 per box of 100 pounds below the American price, the duty being $1.50 per box) on an order for 1,500,000 boxes from the Standard Oil Company if the workingmen would accept a 25 per cent reduction in wages. The men voted last August not to accept the reduction and about half of the tin-plate mills are now idle. The tariff on tin plates has cost this country over $100,000,000 during the last twelve years. As soon as the manufacturers could produce as cheaply as foreigners they got together and formed a trust and put up the price from $2.80 per box in 1898 to $4.84 in 1900. It is now $4.19.

The ingratitude of the protected trusts and manufacturers is monumental. They accept charity from us until they become strong, then they utilize to the fullest the power which the tariff gives them to charge us exorbitant prices and get saucy and say: "What are you going to do about it?"

It is up to the voter to cut the tariff ropes which bind him while the protected trusts rifle his pockets.

APPENDIX B.

SPEECH OF CONGRESSMAN-ELECT ROBERT BAKER AT CREDIT MEN'S ASSOCIATION DINNER, JANUARY 29.

As I am to speak to the toast, "Should trusts be regulated," let me say at the outset that if they are not regulated, or rather if the causes which produce them are not removed, then this and similar associations might as well disband and their members seek other avocations, if then obtainable.

For the trust principle and that under which credit men's associations thrive are directly antagonistic and can not both endure.

As I understand it, credit men's associations are an organized police force to guard the property of manufacturers and merchants from the depredations of those who would obtain that property without returning its full equivalent. Such associations exemplify the principle of voluntary cooperation, while the trusts are predatory in their operation. The aim of these associations is, of course, the complete elimination from the mercantile world of the fraud and the swindler. Should the trusts reach their logical development there will be no need of credit men's associations, as no one will be able to purchase goods except on the terms and conditions the trusts impose, payment for goods previously obtained being a condition precedent to securing more.

Before we can determine whether trusts should be regulated we must first discover the cause of trusts, no intelligent treatment of the question being possible without having first discovered their cause. Briefly their cause is found in laws which interfere with competition. Whether laws entirely abrogate or merely impede the natural flow of trade and the natural production of wealth, to the extent they do so operate they induce the formation of trusts to take advantage of these obstructions. The aim of the trust is the obliteration of competition, and to the extent to which that end is attained is the trust perfected. It will, no doubt, be said that no such absolute condition exists in any industry; therefore no trust exists. Even if this be true, and I doubt it as to at least one industry, progress may have already advanced so far toward that final consummation as to make it to all intents and purposes a fact in certain industries.

It is probably unnecessary to point out in such a presence as this, among men who are important cogs in machines directed by acute minds (an acuteness induced and sharpened by the competitive system), that if trusts do exist they must have had their origin in conditions unlike those in which the business they represent are carried on. Even where not fully attained, the genesis of the trust is found in monopoly. There are four primary causes which produce monopolies. They are the tariff; railroad rebates or discriminations; patents; the private ownership of natural resources. No trust can exist without one of these; it is insecure unless it has the second or fourth; but it reaches its highest form and becomes impregnable where all four exist. Each of these causes is an abrogation of the principles upon which this Government is founded, which asserts the existence of inalienable rights, among them being the equal right to life, liberty, and the pursuit of happiness.

Neither liberty nor happiness is possible to those who are the victims of a trust buttressed by all four elements. If the people retain a part of the liberty and some of their happiness, it is because the trusts as yet control but a part of the necessaries of life. The more that trusts are organized and perfected the more the lives of the people are menaced, their liberty restricted, and the less happiness is possible to them. We may not fully discern all that is involved in the consummation of the trust idea, but all who study the subject are agreed that it will gather force and momentum and go on to its logical conclusion—an all-powerful trust controlling other trusts—unless the causes which create them are removed, so that individual initiative can again be exercised. It is for such associations as this to determine on which side their influence is to be cast—for the extension and perpetuation of the present trust-producing conditions or a return to conditions of freedom.

We hear much of "publicity" as a cure for the evils of the trusts. So far as this is a sincere demand it is based upon an entire misconception of the proper functions of government. Governments are instituted among men for the purpose of preventing aggressions upon the weak by the powerful. But the government itself has no moral right to be an aggressor any more than it has to permit aggressions by others.

Whence comes the right to demand that the Government throw out an universal drag net to reach all who engage in interstate commerce, to pry into the affairs of all who sell goods across an imaginary line, or even to compel combinations of capital to expose the inner workings of their business? Who is to determine, in advance of the exercise of this detective power, which are and which are not trusts?

It is well known that the manufacturers and merchants who engage in interstate commerce far exceed those who do not. Is all private business to be subject to an official espionage because a few rob the people? If the demand is based upon the presumed fact that somebody has bought stocks which they now believe to be inflated, then I answer that it is none of the business of the Government to compel one party to a contemplated transaction to expose his affairs to the other. If the evidence of value is not satisfactory and conclusive, then he need not buy.

If one of the parties to the transaction is so reckless of his wealth that he is willing to exchange it for a share of stock of whose value he is ignorant, it is no more the function of the Government to guarantee him against loss than it would be to declare a purchase of goods from a mercantile house should be null and void because the anticipation of profit by the buyer had not been realized. If there had been misrepresentation of the property or earning power such as constitutes fraud, the courts are open to the injured party for redress; but if he will gamble on the stock exchange he must take his chance with other gamblers that the cards have not been stacked by those who control the pack. There is no obligation for him to engage in this any more than other kind of gambling.

"PUBLICITY."

The demand for publicity as a remedy for the oppressions of the trusts would be comical if the matter were not so tragic to many concerned. We are told that the Government should require schedules showing in detail all the property owned by a trust, so that we may know whether the capitalization is excessive or not. Who is to determine that ever-disputed question of value? Upon what is it to be based? Is it to be the cost of reproduction of the plants or is it to be earning power? If the total capitalization is to be only the cost of reproducing the plants, then there will have to be a startling scaling down of book values and a corresponding reduction in the face value of the stock. But it will not make a particle of difference as to its salable value, which depends upon the average opinion of its earning power.

Even if the courts were to decree that no more stock should be issued than would represent the cost of reproducing the plants it would not affect its aggregate selling price, so long as there was no interference with the power of the trust to exact exorbitant prices due to its possession of monopolistic powers. The steel trust might be directed to scale down its share issue to $1,000,000—the probable value of its plants after deducting the face of the bonds—yet that $1,000,000 of stock would have the same earning capacity and would sell for as high an aggregate price as the present issue.

If anyone doubts this let him observe the price of the shares of the New River Water Company, of London, selling, if I remember aright, at a quarter of a million dollars a share, and which is dealt in in one-hundredth parts of a share. The value of a tollgate on a highway to its possessors is not the cost of reproducing the house in which the toll gatherer resides, but is determined by the number of people who use the highway and therefore must pass the tollgate. So it is with a trust; the value of its stock is not the cost of reproduction of its plants, but is due chiefly to the letters of marque which have been issued to it to levy toll upon an entire nation. Publicity will not deprive any of them of their tariff privileges, of their patents, of railroad rebates or discriminations, nor of their monopolization of oil, iron ore, copper, coal, or borax beds, and therefore will not reduce the toll they collect, consequently the aggregate value of their privileges will not be reduced.

You can protect the public from being fleeced not by reducing their capitalization, but by abolishing their privileges. When they sell goods abroad (including railroad and ocean freights and insurance) at two-thirds the price they charge for the same in this country, you get a glimpse of the privileges which they have capitalized, and incidentally how much the American people are being robbed. In the case of the two most gigantic corporations—the Standard Oil Company and the United States Steel Corporation—the privileges they possess are partly national and partly State. They are among the largest beneficiaries of the tariff system, but a large part of their capitalization is based upon the ownership of immense areas of land wherein their raw material is deposited.

Because nine-tenths of these deposits are held out of use the States in which they are located (following our own idiotic policy of permitting the forestallers of land to almost entirely escape taxation) do not assess them at even 1 per cent of their value, the consequence being the output is restricted and the consumers are charged all the traffic will bear. If they were assessed at their full value and taxed regardless of whether used or not, it would not pay to hold immense tracts of coal, iron, copper, oil, and other lands out of use, the result would be a larger production with its consequent reduction of price. There might be less private building of libraries and endowment of universities, but there would be a more equitable distribution of wealth, prosperity and happiness would be more general because most of the wealth would be retained by those who create it, and I have no doubt the libraries and universities would be provided—but out of the public treasury.

If any of us lived in a region where wolves abound, we should laugh to scorn the suggestion, however high the source from which it came, to appoint a commission to go out and examine the age, size, and strength of the wolves' teeth; and that would be no more farcical than the assertion that "publicity" is the remedy for the trust evil. If we do not desire to kill the wolves, let us at least pull their teeth, so that they can no longer ravage our flocks. And we shall pull their teeth the moment we deprive them of their privileges. Then they will thrive only to the extent that they perform the useful function of producing and distributing more economically than their competitors.

The evil of the trusts is not to be found in the secrecy of their management nor in the ignorance of the public as to their internal affairs, only to the extent that secrecy covers payments for political favors, and he is a simple-minded citizen who imagines that any regulations, however drastic, prohibiting such payments can be effective so long as we permit these immensely valuable favors to be conferred, whether they take the form of tariffs, railroad rebates or discriminations, or ridiculously low assessments of their lands.

Those who control these corporations will find a way to place political parties and political chiefs under financial obligations, even if they have to donate the money out of their own pockets. A tip from the inside when to bet the stock will go up or down is a very simple matter, but it has brought fortunes to those who heeded it. But there are other more subtle but not less effective ways—ways that are more dangerous to the public well being than even direct bribery. How many will resist the bait of the presidency of a great corporation, with the fabulous salaries that now attach to such a position, when dangled before their eyes, to be theirs at the end of their official term, provided they are good?

Publicity does not touch nor even suggest the real causes of trusts. It but excites the inner mirth of those who are becoming immensely rich through their operation, however much in public they may fume about the danger to "business interests" that would follow the passage of such laws. Any regulation to be effective must strike at the root of the evil, which is monopoly. If you are unwilling to attack the cause, then I recommend that the matter be dropped from your thoughts, at the same time giving serious thought to the question of what occupation will be open to the members of your association when the trust idea has reached its logical conclusion, the elimination of competition from all business, with its direction of each class of business from one central headquarters, and its turning adrift of those who have either displayed less than the highest order of ability or have not ingratiated themselves with the powers that control the industry in which they were previously engaged.

Where talent is then to find scope for its display, except at the very top, I leave you to imagine. If with that talent you retain traces of the most boasted possession of Americans—independence—you had better not seek employment by any of the trusts when a more perfect organization of industry has been effected. If, however, you are content to be a mere cog in a great wheel, asking no questions, bowing submissive to the powers that control, trusting in your old age—in the days of your failing powers—that you will be accorded a pittance out of their abundant treasury, then not merely shut your eyes to the oppressions being practiced, but prove your claim to favorable consideration later on by asserting that trusts are not merely harmless, but beneficent associations of capital; that it is only the unsuccessful, the weak and the slothful, the demagogue and the anarchist who rail against them, and, like the Pharisee of old, "you pride yourself that you are not like unto them."

Great stress is laid, and no doubt justly, upon the fact that certain of the trusts, notably the Standard Oil Company, has made it a practice to lower the price of its product at certain places almost to the vanishing point, with the intent of first driving out its competitors and then raising the price so as not only to recoup itself for the temporary loss, but to enable it to pay big dividends upon its stock. If this company had not possessed some of the special privileges I have enumerated it could not have adopted any such policy. To do so would have meant a permanent loss had it not possessed one or more of these privileges. The moment it put the price higher than the competitive price new competitors would have sprung up, induced to go into business by the abnormal prices obtainable, but possible competitors were deterred from doing so, knowing that discriminations were constantly made in their favor, and they could not compete where the cards were stacked against them by the railroads.

No grocer, baker, or butcher would think of attempting to secure a monopoly in his town or city by first lowering prices so as to drive out competitors and then raising them so as to recoup himself for the previous loss. And why? Because possessing no special privileges, he knows that should he attempt to recover such loss by boosting prices others would enter the business and he would have to start all over again. And so it is with all combinations of capital not possessing special privileges. No matter how large their capital they can only prosper to the extent they are ably and economically managed, and while economical management may be a factor in trust profits, it is the smallest factor and is not to be compared with the monopoly element.

The Standard Oil Company did not attain its position as the industrial octopus because publicity has not disclosed the number and structural value of its plants, or the prices its oil was sold for at different places. It dominates and controls the oil business and its masters have absorbed other large industries because of its infamous conspiracy with the Pennsylvania and other railroads, under which for years its competitors were charged three times as

high a freight rate, one-half of the excess being given to the Standard Oil Company. History records no more scandalous transaction, no more shameful perversion of governmental powers, and no amount of publicity can prevent like results, unless we strike at the root of the evil—the use of governmental functions to favor some and oppress others.

But we are told that is ancient history and is no longer practiced. Gentlemen, the leopard has not changed his spots. It may be that such brazen discriminations are not practiced now. If so, it is because the culprits have discovered more skillful and cunning ways of accomplishing the same ends. One of these methods is for the trust or other favored shipper to wait until his stock of goods at some important point is almost exhausted, then to secretly arrange with the railroad that on an agreed-upon date the freight rate on that class of goods shall be slashed nearly to zero. In preparation therefor it accumulates its goods and at the agreed time ships sufficient to replenish its stock. Immediately this is done, and almost before its competitors are aware of the reduced rate, the railroad announces a restoration of the old rate, offering some plausible excuse, such as an error, the practical effect being the same as if a discriminating rate had been made in the interest of the trust.

The power of the United States Steel Corporation does not lie in its huge capitalization, even if it were all genuine capital and not three-fourths water. There is an undoubted economy in combining large amounts of capital under one management. To the extent that it represents a combination of many plants working in unison under one general direction it is not harmful. But if it were nothing more than this it would not have been capitalized at more than a third of its present figure, our modern financial magician would never have undertaken its organization, nor would anyone have received stock valued at scores of millions of dollars for acting as a clearing house for the exchange of the pieces of paper representing the ownership of its various plants.

If it possessed no special privileges, if it did not in part usurp governmental functions, it could not last a day; so top-heavy would be the mass of water in its securities that it would flood the owners and the whole combination would collapse, as it would not have the power to exact extortionate prices, and therefore would be unable to pay dividends after paying interest on its bonds. Every dollar of dividend that has been or will be paid upon its stock is an enforced tribute from the American people, simply showing the enormous value of its special privileges, its tariff bounties, its patent rights, its railroad privileges, and, above all, its land-ownership privileges—for its plants could be duplicated for less than the face of the bonds.

To those who assert "publicity" is the cure of the trust evil, I ask, How will publicity lessen, in the slightest degree, the tariff bounties, the railroad privileges, the patent rights, or loosen the monopolization of oil, coal, or iron-ore deposits by the Standard Oil Company or the United States Steel Corporation?

Every freight discrimination is an abrogation of the right to equal service to which all are entitled, this equality being involved in the very grant of the franchise under which the railroad operates. Not even so corrupt and boss-ridden a legislature as that of Pennsylvania would have ever dared to grant a franchise for a railroad if those applying for it had even suggested the possibility of varying freight rates being charged to different shippers. All who have been parties to such discriminations either as grantors or beneficiaries should be rigorously prosecuted, no matter how rich or powerful they may have already become. The vigorous prosecution of even one of these millionaire malefactors would do much to restore a respect for law among the mass of the people, and would, of course, prevent any repetition of such practices.

There is scarcely a monopoly that does not get some of its power to plunder the people from these freight-rate discriminations. State railroad commissions may exist, interstate commerce commissions may have their powers broadened and extended, but these practices will not stop nor this form of robbery be thereby curtailed. Nothing short of national ownership of the railroads can secure equal service to all shippers.

Public ownership and operation of the railroads will destroy some and curb all trusts, but the final solution of the trust problem will only come when the people abolish the most fundamental of all monopoly, the monopolization of land. Then and not till then will free competition really exist and men find their reward determined by the value of the service they render to their fellow-men.

Eulogy on the Life and Character of the late Hon. Joshua S. Salmon.

REMARKS

OF

HON. WILLIAM SULZER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 8, 1903.

The House having under consideration the following resolutions:

"*Resolved*, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOSHUA S. SALMON, late a member of the House of Representatives from the State of New Jersey.

"*Resolved*, That, as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased"—

Mr. SULZER said:

Mr. SPEAKER: JOSHUA S. SALMON, a member of this House, died most unexpectedly on the 6th of last May, in the prime of life, in the noon time of his usefulness, in the zenith of his labors, in the fruition of his fame, in the midst of his busy career, loved and respected and honored by all who knew him.

In his sad and sudden death our country lost one of its noblest and foremost citizens; the House of Representatives one of its ablest and most efficient members; the Commonwealth of New Jersey, his native State, one of her purest and most patriotic sons; the sorrowing and grief-stricken and inconsolable family a tender and a loving husband and a kind and an affectionate father; and humanity all the world over a true, a sincere, and a sympathetic brother, who loved his fellow-man, lived to do good in every walk of life, and in all seasons struggled to make mankind better and grander and happier.

It was my good fortune to know well this kindly, genial, considerate, sunshiny, generous man. He was my friend for years, and I shall miss him more and more as the years come and go. In the affections of those who truly knew him his loss is irreparable, and has left a void that never can be filled.

It is fitting that we who knew him best should on this Sabbath day pay tribute to the memory of this true and brave and gentle man, who saw the right, and with a heart for any fate always dared to do his duty. He is with us no more, but in the recollection of his many gracious acts and kindly deeds and admirable traits of character, that will always live and be his greatest monument, he has left to us all an example of true manhood that we should ever endeavor to follow and always strive to emulate.

Lives of great men all remind us
We can make our lives sublime,
And departing, leave behind us
Footprints on the sands of time.

It has been said, Mr. Speaker, that no man is perfect. This is true, but in many respects Mr. SALMON was, in my opinion, an ideal man. He never indulged in censure. He was no fault-finder.

I never heard him complain. If he could not commend he did not condemn. Where he could not praise he held his peace. He knew the art of silence. He was considerate of others, ever gracious, and always courteous. He could not be mean or small or uncharitable; it was not in his nature. His mind was broad and liberal and cosmopolitan. He loved nature, the beautiful, his home, his family, his friends, and his country. He had a great heart, noble impulses, and a sympathetic nature.

He had a lovable disposition and an attractive manner. He measured up to the sublime heights of a man, and typified in his personality the true American. Like Lincoln, he saw good in all things, and had malice toward none, charity for all. He was a commoner—a man of the people—a true Democrat in the best and broadest significance of the word.

He hated cant, despised hypocrisy, laid firm hold on the everlasting truth, and did not believe that might made right. He stood for equal rights to all, special privileges to none. He was honest in thought, honest in word, honest in deed. He had the rectitude of the rocks, the faith of the surging stream rushing oceanward, the hope of the summer's sun welcoming the harvest time. He died full of honors in the service of his country—a faithful public servant, mourned by all who knew him, and by thousands who only knew him by his works in the vineyard of human endeavor.

None knew him but to love him,
Nor named him but to praise.

And yet he was a modest man, dreading praise, not blame, and asking no reward but the self-consciousness of having done his duty in every avenue of industry to the best of his ability—a simple, sincere, sagacious man.

Mr. Speaker, on the 2d day of February, 1846, JOSHUA S. SALMON was born, near Mount Olive, Morris County, in the grand old State of New Jersey. He grew to be one of her favorite sons. He was a studious boy and received a thorough education. He attended the seminaries at Schooleys Mountain, N. J., and at Charlottesville, N. Y.

Subsequently he graduated from the Albany Law School with high honors, and in 1873 was duly admitted to practice in all the courts of the State of New York. But he loved his native State and longed to be back to the scenes of his childhood, so in 1875 he returned to the county of his birth and settled at Boonton.

In 1877 he was elected to the legislature and served with much distinction. He was prosecutor of the pleas for Morris County from April, 1893, to April, 1898, and was elected a member of the Fifty-sixth and Fifty-seventh Congresses. He was a well-equipped lawyer, a zealous legislator, a great worker, a man of affairs, and an indefatigable plodder in the march of human progress.

The best efforts of his life in Congress were spent with the tedious work in the committees of which he was a painstaking and efficient member—the all-important committee work in the committee room—the work that is so seldom seen, so little known to the public, and in most cases wholly unappreciated by the people, but which is, after all, the backbone and the real and the lasting work that lays the foundation for good laws and permanent legislation. Here our colleague seemed to be in his element and was unexcelled; here our friend did his chosen work day in

and day out, faithfully and in his careful, conscientious, and methodical way.

Mr. Speaker, our friend is with us no more. He has crossed the river of life. He has gone to his long home—that undiscovered country. He fought the good fight; he kept the faith, and his work for the people will shine brighter and brighter as the years pass on and by until it becomes his lasting monument—more enduring than marble and brass.

We mourn our loss; we sympathize with his beloved family and console them and ourselves with the knowledge that our colleague will ever live in the grateful hearts of those he left behind; and to do this is not to die. He will live in the undying memory of his great works, his good deeds, his kindly words, his open-handed generosity, his loving kindness, his human sympathies, his love for mankind, and his noble-hearted charities. In all these will he live until memory is gone and time shall be no more; but who can wish for a better or a greater or a more enduring monument? Let us strive to follow his example and struggle to emulate his virtues, and let us not forget that—

The memory of good deeds will ever stay
A lamp to light us on the darkened way,
A music to the ear on clamoring street.
A cooling well amid the noonday heat,
A scent of green boughs blown through narrow walls,
A feel of rest when quiet evening falls.

Army Appropriation Bill.

SPEECH

OF

HON. CLAUDE A. SWANSON,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 13, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904—

Mr. SWANSON said:

Mr. CHAIRMAN: I did not intend to participate in this debate until I learned to-day that a resolution will be taken up to-morrow giving a rebate or to suspend tariff duties on coal, and under the rules of the House no debate would be given upon it, practically, when it comes before the House.

I have listened with a great deal of pleasure to the joint debate between the gentleman from Ohio and the gentleman from Missouri. As it was a mathematical debate, and an estimate as to the chances pro and con of the Republican party and the Democratic party in the next election, I tried to be impartial and determined to sit as judge with these two mathematicians to determine the possibilities of the two parties in the great national election. I weighed the matter carefully, having listened to the evidence and arguments, and I must decide that I am satisfied, in an impartial way, that in 1904 the Democrats will win the Presidency from the statement made by the gentleman from Missouri.

But, Mr. Chairman, great as have been the issues that have been met in the past, greater are those which are to be met in the future. I remember when I first came to Congress, in 1892, the Republicans had only 90 members on the other side. I remember in the next House we had been defeated, and we only had 90 Democrats on this side. The American people had decided the issues made up between the two great parties.

Mr. Chairman, there is an issue pending before the American people to-day that the Republican party has cowardly tried to evade. Resolutions of different State conventions have been ignored practically. They endeavor to hush up, to silence, and to suppress the issue, and that great issue, which will determine the Presidential election, is whether the Dingley law shall be changed or whether there shall be a reform in the tariff or not.

We witnessed a remarkable spectacle in this House. In the great State of Iowa, rock-ribbed Republican, Republican to the core, a great agricultural State, a State that has been as true to Republicanism and protection as any in this Union, among the Republicans was a heresy cry. In the great State of Iowa the Republican governor, Mr. Cummins, determined that the Dingley Act was iniquitous, was exacting, was a protector of the trusts, was imposing upon the great purchasing and producing masses of the American people. He reached the conclusion that that bill ought to be reformed, that the tariff impositions and duties ought to be changed. The Republican party in Iowa met in State convention. That convention declared for a reform of the tariff duties, that the tariff act, so far as it sheltered trusts and combinations, so far as it was against the producing and consuming masses of the American people, should be reformed.

The distinguished Speaker of this House did not agree with the platform of the Republican party of the great State of Iowa. He disagreed with it, and when the issue was made as to whether the Dingley Act was sacred and whether these tariff duties should be rewritten by the American Congress, or the American people through its Congress, he could not agree with his own constituents. He could not agree with what is known as the Iowa heresy by those who believe in "standing pat," and rather than stand here and advocate reform or change of these duties he abdicated the great powers of the Speaker and the power of being a Representative in Congress and retired to private life. The people of his district and the great State of Iowa, rather than surrender their convictions and their views and what they conceive to be in the interest of the great American people, determined to adhere to their platform.

Now, I want to say this. You Republicans may try to suppress it, you Republicans may retreat reluctantly, you may try to get rid of tariff reform, you may try to cover it up with political prejudice, but the great American people will rise in their might against the Dingley exclusions and exactions and say that they shall be eliminated and a reform tariff bill passed. We had that issue in the Ways and Means Committee. A reluctant, slow, calm, quiet retreat before the American people determined to reform the iniquities of the tariff, determined to reform the high rate of the Dingley Act. What is to be proposed for our discussion to-morrow? Whether the Dingley Act is sacred or not.

The gentleman from Ohio has shown that the Republican party has won this House. How did they win it? Why, the gentleman from Ohio when he went before his constituents in his district went with the statement he made upon the floor of this House. He said that he was a man that did not believe that the schedules and duties of the Dingley Act were sacred, and he for one would vote to change them when the American people demanded, wanted, or needed them. He was not a man who "stood pat," according to the Hanna idea. He distinctly stated on the floor of this House that he did not have any fetish admiration for the schedules in the Dingley Act. The Republicans of Iowa indorse a change. The Republicans of Wisconsin, in a great many Congressional districts, stood by Mr. BABCOCK and said there should be changes in the Dingley Act.

Now, Mr. Chairman, I want to say this: How was it, when the Dingley Act was prepared, that the schedules were made higher than ever before in the history of this country? The author of that act, by the reciprocity provisions in it, provided for a 20 per cent reduction in all the schedules in that act. Section 4 provides that within two years reciprocity treaties may be entered into with any nation in the world, by which there shall be a reduction of 20 per cent on all the schedules of that act.

Mr. PAYNE. May I interrupt the gentleman?

Mr. SWANSON. Certainly.

Mr. PAYNE. Is the gentleman aware of the fact that the rates in the Dingley Act were fixed and passed by the House months before the fourth section, providing for the reduction by reciprocity, was put in in the Senate?

Mr. SWANSON. That act had been printed and the evidence of it had been before the country, and there was such an indignation throughout the country against the high schedules that you Republicans provided for a reduction by reciprocity of 20 per cent to make the country acquiesce in it.

Mr. PAYNE. Now, the gentleman is changing his ground.

Mr. SWANSON. Not at all. I want to say this, that the rates in the Dingley Act had been originally fixed in the House. It did not then provide for the 20 per cent reduction on the schedules in it. The indignation of this country was so great against it that I do not believe its passage could have been secured, even in a Republican House, except for the reciprocity provision which provided for the 20 per cent reduction.

Mr. PAYNE. Do I understand the gentleman to say that there was any provision in the Dingley Act in this House for the reduction of 20 per cent in the way of reciprocity?

Mr. SWANSON. I want to say that at its final passage, after it had been added on in the Senate, the indignation against the high duties provided by the bill became known throughout the country, and you people, as you always do, surrendered and agreed to this provision for a reciprocity with a 20 per cent reduction on all the schedules.

Mr. PAYNE. May I ask the gentleman another question?

Mr. SWANSON. Certainly.

Mr. PAYNE. Is not the gentleman drawing entirely upon his imagination for his facts when he says that on account of the indignation in the country at the high rates of the Dingley Act, that amendment was put on in the Senate?

Mr. SWANSON. The Senate, as it always does in a matter like that, after the House had tested the pulse of public opinion, put that provision in and made it palatable to the American people. I want to say further that I do not believe the Republican party in this country could have passed the Dingley Act if you had not promised them reciprocity to the extent of a 20 per cent reduction at the end of two years.

Mr. PAYNE. I want to say in answer to the gentleman that there was no indignation, that there was nothing but approval of the Dingley Act by the Republican journals in this country and in this House from the time it was first introduced down to the date of the agreement of the House to the report of the committee of conference and its final passage.

Mr. SWANSON. The gentleman's difficulty to hear the voice of the country is greater than his difficulty to hear in this House. I want to say, and I say now, that there was indignation at the very high rates of the Dingley Act, the highest that were ever imposed by any tariff law in this country, and the Senate put on that reciprocity provision, the fourth section, which provided for a 20 per cent reduction on every schedule in it in accordance with the sentiment of this country. We knew it was excessive, we knew it was exclusive, and knew it was the only way for this country to survive. I would like to ask the gentleman from New York, why did you put in your tariff law, why did you put in the Dingley Act a provision that permitted a reciprocity treaty for a reduction of 20 per cent within two years on all the provisions in it if it was not in response to the sentiment of the country?

Mr. PAYNE. I will say to the gentleman from Virginia that that provision was put in the bill by the Senate. The first time the members of the House came in contact with it was in a committee of conference. The Republicans of that committee resisted that fourth section, resisted it to the very last end of the conference, and they only consented to it because the Senate conferees told them that their idea of the reduction of 20 per cent was upon noncompeting articles not produced in this country, and they did not believe any Republican administration would ever negotiate a treaty or make a reduction of 20 per cent or 10 per cent of these rates upon industries in this country which needed protection. [Applause.]

Mr. SWANSON. That is a fair sample of the way that the Republican party deals with the country in connection with the tariff. The reciprocity provision as it left the House was limited to articles that were not produced in this country. The provision of the Senate did not limit it to anything, but provided for a 20 per cent reduction on every duty in the bill. And I want to say that the Senate yielded because the country would not sustain the excessive rates of the Dingley Act, except with the hope that after a certain time a 20 per cent reduction would be made on various schedules.

Now, Mr. Chairman, let us look at what the Dingley Act has done. The gentleman talks a great deal about the Dingley Act. But we must not forget that conditions change in other countries as well as our own from time to time. Let us see how, since the passage of that act, the conditions have changed in connection with the trade and commerce and general business of the United States. A short while before the passage of that act there had been elected in Canada a ministry favorable to trade relations with the United States—favorable to the granting of lower duties to this country—so that the products of our trade and commerce might enter the Canadian market upon reciprocal advantageous terms. Those terms were scorned by the Republican party, in power, and instead of having the trade advantages in Canada that we ought to have under a fair, just system of trade relations, Canada to-day gives a 30 per cent preferential to Great Britain, while American goods and manufactures—the products of American industry—have to meet British goods in the Canadian market at the disadvantage of the 30 per cent preferential given to British goods.

What has been the relation of our trade with Germany since the passage of the Dingley Act? The greatest market for American produce, the greatest market in the world for the productions of the farmers of this country, next to Great Britain, has been Germany. But Germany has recently passed a new tariff bill; and what does it do? You can understand why there is rebellion in Iowa, why there will be rebellion in Nebraska, why there will be rebellion in all the great agricultural sections of this country, when the effect of these new conditions is realized. Let us see what Germany does to-day, as affecting American farmers and other American interests, under the new tariff bill.

Under the old law of Germany we simply paid 23 cents a bushel tariff duty on our wheat. Under the new law Germany requires us to pay 49 cents on every bushel of American wheat sold in that country. Under the old law Germany was a great market for American corn. That market was increasing each year. Under the old law which existed prior to the Dingley Act we paid only 10 cents a bushel on the corn we exported to Germany. But to-day every bushel of American corn sold in Germany must pay a duty of 24 cents. Under the old law in Germany American apples entered free. That country was a large and profitable market for American apples. To-day, under the new law of Germany, the duty is $2.40 on every 220 pounds of American fruit imported into Germany.

What was until recently the great market for American meat and American bacon? Germany. From our importations into that country there came prosperity to our American farms and American homes. Under the old law the duty was $1.84 per 100 pounds. Under the new law it is $3.90 per 100 pounds.

I could occupy your time until sundown in showing you the discrimination which is now made against American products exported to Germany under the new tariff law of that country, enacted in retaliation for our Dingley Act.

Take Canada; and there also we find the spirit of retaliation. Take Russia; to protect the sugar trust—to prevent simply the introduction here of a few pounds of refined sugar under that provision of the Dingley Act which imposed a duty equal to the export duty—we have imposed an additional tax on all sugar from Russia. Russia answers by retaliation and puts 30 per cent on all iron, all steel, and similar products of American production or manufacture. The disastrous effects of the Dingley Act upon our trade with foreign nations have begun to show themselves, and unless there be some change the foreign trade of American farmers and manufacturers and producers generally will be nullified, and the foreign markets, which have been so beneficial to American farmers and producers, will be closed.

What does the law of Germany provide to-day? And mark me, Germany, next to England, is the greatest purchaser of American goods. The law of Germany provides for reciprocity treaties—provides for reciprocal arrangements between Germany and other countries. If Germany enters into a reciprocal arrangement with Russia, and permits Russian wheat to come into Germany at lower rates than American wheat, it means that thousands and thousands of bushels of American wheat and American corn and American bacon, which heretofore have been sold in Germany, will find no market there, and the disastrous effects of the Dingley Act will be felt in reduced prices of farm products, in poverty of producing people in America, and in general distress among such classes.

Now, go further. Take France to-day and observe the effects of the Dingley Act in consequence of the refusal of the ratification of the treaty with France. To-day American goods and productions are paying in France a maximum rate. In that country they have what are known as a minimum rate and a maximum rate. American goods to-day in the great cities of France, the third market for United States goods in the world, on account of the exclusive rates of the Dingley Act, pay the highest rate of duty, while other goods pay the lowest rates, and in all the markets of France our goods and the products of our farms are discriminated against more than in any other nation in the world. We pay a 30 per cent preferential duty in Canada. We pay the highest duty, which is coming, in Germany. We pay the highest duty in France. Austria to-day has a bill pending in its legislative body providing for the highest duties on American produce, American commerce, and American goods.

I believe before this Congress is adjourned there will be preferential rates against us in Austria. The whole of Europe, which buys and consumes about three-fourths of our goods to-day, is combined in the interest of a commercial warfare against the United States, and these gentlemen can not ignore it. They may talk about standing pat. They may talk about standing on the rates of the Dingley Act, but as sure as you and I are here, in less than twelve months Europe and the world that buys American goods will have high tariff laws enacted, custom duties imposed, which will place upon American goods and American commerce and American farm products a discriminating duty in the markets of the world. Now, consequently, the tariff question becomes a potential and a far-reaching question to the American people. In addition to that, what has it done? Think. We have here a Republican committee and a Republican Congress reluctantly, slowly, and unwillingly retreating before the public opinion of this country in connection with coal.

What is the condition in connection with coal? The entire coal product of this country has been monopolized. One man, J. Pierpont Morgan, had the power to determine as to whether any coal should be mined in the United States and furnished to the shivering masses. There was a difference between him and his employees as to wages and as to the conditions under which they should work. He was determined to conquer the labor unions, and the labor unions were determined to conquer him. So for four or five months there was no coal produced. The great consuming public of 70,000,000 of people who buy coal and use coal, who need it in business, in trade, in commerce, and in their households, were not considered in this fight between the labor unions

on the one side and J. Pierpont Morgan on the other. Consequently there was a dearth of coal. And what does the Republican party do to-day confronted with this monopoly, confronted with the fact that the railroads and J. Pierpont Morgan and the laborers could fix the price of coal?

Reluctantly they introduce here to-morrow a bill that takes the duty off coal for one year and allows it to come in free, admitting and confessing that monopoly has produced such a condition of affairs that the people of this country could not stand it longer, and that shivering humanity were entitled and ought to have the privilege to have coal from all the markets of the world. That confession in connection with coal should be carried to all the other industries of this country. Take the great industry of iron, protected and sheltered under this tariff bill. To-day the United States steel corporation controls the entire product of iron in the United States. They own nearly all the raw material from which iron ore can be obtained. They own nearly all the great coke products by which it can be utilized and made into iron. That company controls, through Mr. Morgan, all of the great transportation lines over which iron and iron ore and steel are shipped. They own all the great steel manufactories in this country in which steel billets can be made and produced.

If there were the same fight between the employees of the United States Steel Company and Mr. Morgan that there has been between the coal people and their employees, the entire product of iron in this country would be in the same condition that coal is. The farmers could not get plow points, contractors could not get nails, cities and towns could not get structural iron to build bridges, rail roads could not get steel rails for their development, people could not get iron with which to build houses, and the entire iron industry of this country, which is the barometer of prosperity, and by which the prosperity of this country is united and welded, would be in the same condition with the same disastrous effect which we have now in the coal industry of this country, and no relief could come until the tariff duties that produce this monopoly in iron were repealed. Take other great industries where monopoly has control. Take the great glass industry of the country, highly protected under the form of monopoly. Take the great industries in connection with all tinware. All of these great industries, under a protective tariff, are monopolized by trusts and combines, and we are dependent upon them for the supply entirely, under the tariff provisions of this bill.

And, Mr. Chairman, when relief is given in the coal industry, it seems to me we should at the same time take the precaution to guard against the same disasters in connection with the great iron industry of this country by taking the duty off of iron and all of its products controlled and dominated by one trust in this country. These gentlemen tell you that this tariff is needed to protect American industry. Why, the foreigners are crying for mercy against the American invasion. The foreigners in Germany, France, and Austria are crying for mercy and for a protective tariff against the invasion of American goods, produced here under a high protective tariff, and sold on the American market at double what they are sold for in foreign markets.

Take the great iron industry in this country, Mr. Chairman. Why, my friend General GROSVENOR over there has been trying for years to get through this Congress a bill to give a subsidy to the great shipbuilding interests of this country, saying that it needs a bounty and needs a gift from the American Government in order to enable it to stand up and compete with the shipbuilding interests of the world. And what do we witness? We find that the United States Steel Company is selling all of its steel products and all that goes into the manufacture of ships in foreign countries at a greatly reduced rate below what it sells to the shipbuilders of America. If you will eliminate the low price that is given for iron and steel products by the steel producers of America to the shipbuilders of England and Germany below what they charge the American shipbuilders on account of the high protective tariff in this country, the American shipbuilding interest would be able to compete successfully with the shipbuilding interests of the world.

Mr. GAINES of Tennessee. Will the gentleman yield for a moment?

Mr. SWANSON. I will.

Mr. GAINES of Tennessee. Is it not a fact that when the great Chicago fire and the great Boston fire occurred Congress removed the tariff on building materials so as to help the sufferers by those fires?

Mr. SWANSON. Yes.

Mr. GAINES of Tennessee. Now, why do they not remove it from coal?

Mr. SWANSON. They are going to remove it for one year. I tell you this coal provision is a confession on the part of the Republican party that the consumers pay the tax. It is a confession on the part of the Republican party, reluctantly yielding to an indignant American public, that the tariff provision on coal that gives 67 cents a ton protection on all coal is simply a gift to the coal operators—a gift to a trust. They have reluctantly retreated for one year in the face of an outraged American public.

Now, Mr. Chairman, I want to say in connection with this tariff that one of the most fertile sources of trusts, combines, and monopolies is the protective tariff. The Republican party has this anomaly. It has appointed a committee to try to bring in here an antitrust bill to prevent the American public from being charged extortionate rates, monopolistic rates, for all the products that are consumed. And what do we witness? We witness the fact that there has been a doubling in value in wire nails, in wire fencing, in steel rails, in hilling hoes and plows, and all the great products of iron that enter the humblest home of the smallest farmer, and in the materials that are used in the construction of bridges. We find that magnificent buildings have doubled in value, and the entire doubling in value has gone into the pocket of one trust, the United States Steel Corporation, a trust whose annual budget, whose annual expenses and annual receipts amount to more than those of some of the nations of the earth; a trust that is made possible entirely by the protective tariff on all the products of iron, extending from iron ore up to the finished product. And they do what?

I have heard the gentleman from New York [Mr. PAYNE] and other Republicans on that side denounce the people in Germany because they would pay about 7 cents a pound for sugar on account of the protective tariff, and sell it in Great Britain and here for 3 cents a pound. And yet they have a protective tariff on all the products of iron, and it is in proof here that can not be denied, it is confessed by Mr. John W. Gates, president of the old steel and wire company, and it is admitted by Mr. Schwab, president of the United States Steel Company, that their products of iron and steel are all sold abroad cheaper than at home. In other words, what does it mean to farmers of Iowa and Nebraska and Virginia? It means that when the farmers of those States have to compete with the farmers of Russia in the raising of wheat and other farm products, the farmers of Russia have about one-half as much to pay for all the products of iron that go to help in the making of their wheat as the farmers here have to pay. Yet we are expected to meet them in the markets of the world in the sale of our farm products.

What has been the result of this, Mr. Chairman? I want to tell you to-day, Mr. Chairman, that the Dingley Act would never have remained one year on the statute books except for the conduct of the railroads of this country. The railroads of this country to-day write your tariff bills, and not Congress. When the duties had been imposed so high on imported goods when practically there was no importation, what did the railroads of this country do? They established two rates on goods shipped over their lines. One was known as the rate on import goods and one was known as the rate on domestic goods. The Interstate Commerce Commission is to-day investigating this question.

I want to give you a practical illustration. The rates on plate glass and all earthenware are practically fixed by the trusts. The railroads of this country fixed the railroad rates under which they would ship goods from Dresden at, I believe, 19 cents per 100 pounds from New York to Chicago. They charge the home product 65 cents per 100 pounds. It is proven before the Industrial Commission that goods are shipped from Liverpool to New Orleans and out through Texas at about one-half the domestic trade over the Southern Pacific Railroad, and that the railroad charges less than half on the foreign goods than on domestic goods. The railroads of this country are thus able to write our tariff bill, and have kindly eliminated some of the duties and charges of the Dingley Act.

But, Mr. Chairman, these railroads have reduced the rates and they are carrying all foreign goods for less than domestic goods, but that reduction has been written by the greed and avarice and the desire to make money by the railroads and not for the great industrial interests or the manufacturing interests of this country. I say that it is an outrage on Congress, it is an outrage on the Government power of Congress, to allow the tariff laws of this country to be regulated by the greed, the avarice, and the selfishness of the railroads in fixing the rates, and not the change of the customs duties as they are fixed by Congress.

I want to say that the Dingley Act would not have stood on the statute books for one year but for the fact that these inequalities to some extent have been eliminated and importation encouraged by this discrimination on the part of the railroads of this country.

Now, Mr. Chairman, there is this issue that the American people will have to confront in the next Presidential and Congressional elections. The Republican party has tried to shirk it, to smother it, and to smooth it over. They are simply for it in

State conventions. The Republican party in Iowa is for tariff reform when they are at home, but when their members of Congress come to this House and opportunity is given in the adoption of rules and the passing of provisions we will see whether they are going to vote for it or are simply for it by resolution in State conventions. The gentleman from Wisconsin [Mr. BABCOCK] has recognized the iniquities of the iron schedules. He has seen its injustice, he has seen that it is a monopoly, he has seen that it is a great incubus upon American production and American trade and American commerce, and he has had a bill pending here for years to eliminate and to reduce the exclusive duties in the act. If there were 25 Republicans on that side who earnestly and sincerely were in favor of it and united with the Democrats on this side, that relief and that benefit could be given to the American people, and that monopoly and that injustice and these exclusive rates eliminated.

But, Mr. Chairman, President Roosevelt in his mind is not determined as to what we shall do on the tariff question. He made several speeches on it. He was adroit; he was uncertain. The American people are not uncertain. A great rebellion, a great indignation, a great uprising in connection with coal is but a forerunner of the indignation that will come to the other iniquitous schedules of the Dingley bill. If Mr. Dingley had not intended, if he had not thought, if he had not known that the rates were too high and would produce monopoly, he never would have consented to reciprocity which would permit a 20 per cent reduction on all its schedules and provisions.

I want to say, Mr. Chairman, that the Dingley tariff act has doubled the price of all the products people buy and consume and use in the household, in railroad building, in bridge building, in the structure of houses, in clothing, in wool, in shoes, and all the great products the American people consume and buy, on account of the high duties and extortionate rates they must pay for all they buy and consume in this country, most of the profits of which go to consolidations, to monopolies, to trusts and combines; and the American people in the next great Presidential election will be confronted with the question whether this shall continue—whether we shall lose the markets of the world, whether we shall be deprived of an equal price in Germany and France, in Canada, in Austria, in Russia, in the great markets of the world, that buy the products of our farm and factory—as to whether these exclusive duties shall be imposed upon the trade and commerce of America, or whether Americans shall be confined simply to traffic among ourselves, is the question which the American people will have to vote on in 1904.

If I mistake not the signs of the times; if I mistake not the indications in Iowa; if I mistake not the indications in New York; if I mistake not the indications in the great States of this country—the mass of people are determined on one thing, and that is that this bill shall be reformed; that its excessive duties, that its excessive rates, shall be cut down, and that the American consumer shall be given a chance, that the American farmer shall be given a chance, to get to the markets of the world.

Mr. Chairman, the Democratic party's position is well taken on this question. The Democratic party believes that the American thrift, American commerce, American trade, and American enterprise can take care of the markets of the world. We have here the raw material, we believe we have the laborers, we believe we have the machinery, we believe we have the chance if we are unfettered and unrestrained by monopolies and unrestrained by excessive rates, when the Democratic party points to the trade and the agricultural products and the manufacturing enterprise of this country and tells them that with a fair chance, unfettered by any tariff law, we can have the markets of the world; that they are open to American enterprise and American labor and American thrift. The Republican party reluctantly, slowly, and unwillingly retreats before the common sense and good judgment and the common wish of the American people for lower duties.

Mr. Chairman, the next year will show a remarkable difference in American imports and American exports, all on account of the restricted duties. The balance of trade is getting worse and worse each year against us, and the next year will witness retaliatory laws all over the world, and when those laws of retaliation, like that they have enacted in Germany, in Russia, and in Canada, and those which are opposed against us in France to-day—when these become complete, when these are perfected, when the natural results of the Dingley law is felt in this country in lessening the exports, in lessening the American market in all parts of the world—we will then witness the great revival of tariff reform upon which the American people are determined.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. SWANSON. I will if I have time.

Mr. HEPBURN. You have said that the balance of trade in later years was constantly growing less and less in our favor. Is it not true that the balance of trade last year in our favor was greater by hundreds of millions of dollars than during all of the years that this country has had a Democratic tariff—seventy-odd years?

Mr. SWANSON. The gentleman is correct, but we have 80,000,000 people now, while heretofore we did not have but 60,000,000. Any increase of population under natural conditions ought to have a natural increase of exportation, and the balance of trade, if these people are active and earnest, ought to increase each year. But what I say is that the agricultural products, the products of trade, are becoming more and more against us, and will be greater in the next year, with the determination of Germany to retaliate; and is simply a question of time when these laws of retaliation, like those that are put in the Dingley Act, are enacted, when the export trade of this country will become very materially reduced.

The gentleman must remember this. Does the gentleman think that a double tariff on bacon, that a double tariff on wheat, that a double tariff on flour, that a double tariff on corn in Germany can benefit the farmers of Iowa? That is what has been the result of the Dingley Act in connection with the trade with Germany, for the farmers of that country found their second best market in the world. [Applause.]

Omnibus Building Bill.

SPEECH

OF

HON. DAVID H. MERCER,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 28, 1903.

The House having under consideration a motion to suspend the rules and pass with the amendments of the Committee on Public Buildings and Grounds the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes—

Mr. MERCER said:

Mr. SPEAKER: Judging from the outpouring enthusiasm we have just observed in this Chamber in favor of the pending proposition, it is perhaps unnecessary to dwell very long upon the subject. Apparently most of the members, having read the report, are informed with reference to the proposed legislation.

In brief, the principal part of this bill refers to increases of authorizations, made necessary by the increased price of building material in different parts of the country, and also the increased wages paid labor throughout the Republic. The Government finds, as private individuals and corporations find, that building material has increased in value, and the Government is obliged to pay an increased price for labor, corresponding with that paid by individuals and corporations employing labor on similar work. Almost half—in fact, more than half—of this increase is confined to very large buildings; for instance, like the one in Chicago.

Chicago is the largest city in the United States, save one. In proportion to its population it has received less at the hands of the Government in public-building appropriations than any other city, strange to say. Chicago is now completing a building which will have more cubic feet in it than any building in the United States save the State, War, and Navy building in the city of Washington. It will cost, with this increase granted, 41 cents per cubic foot, which is from 15 to 25 cents per cubic foot less than many Government public buildings have been erected for. It will house all the Government employees of that city save those in the appraiser's stores building, one or two other buildings; and, by the way, the appraiser's stores building in Chicago cost the Government a little over $130,000, by reason of the fact that the Government was able to sell a valuable piece of real estate there and have the money derived therefrom included in a new building.

The post-office building in Chicago is constructed upon the old site, and when completed will be perhaps the most complete General Government building in the United States, both as to interior arrangement, as to arrangement for convenience, and as to ventilation and light.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MERCER. In the city of New York we allowed $4,500,000 for the new custom-house which is in process of erection, and the building in Chicago, when completed, will cost $4,790,000.

We have the custom-house in San Francisco built upon ground

owned by the United States Government. That is increased half a million. The municipal building in this city is increased half a million.

Many of the items are small. The Treasury Department informed our committee that because of the fact that Congress in preceding sessions had permitted the purchase of sites in advance of authorizing buildings thereby the Government had been saved thousands of dollars because of the increased price of real estate in the various cities occurring after the authorizations were made.

Now, Mr. Speaker, I will reserve the balance of my time.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MERCER. Certainly, I will yield to the gentleman.

Mr. FITZGERALD. Will the gentleman state the amount that is carried by this bill?

Mr. MERCER. About $6,000,000 in authorizations.

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The SPEAKER. The time of the gentleman has expired.

Mr. MERCER. Mr. Speaker, if the gentleman from Illinois [Mr. BOUTELL] desires some of my time he may have it.

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Mr. MERCER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has six minutes and a half.

Mr. MERCER. I desire to say in conclusion that while the last days of the Fifty-seventh Congress are stormy ones from a parliamentary standpoint and the two great parties, through their representatives upon this floor, are contending every hour for party advantage, very little if any disturbance of a serious nature crops out of individuals, and when noon of March 4 arrives this Congress will die, as Congresses generally die, in the midst of song and good cheer, and we will depart for our several homes never to forget the friendships formed here. Now and then we have our war of words in this Chamber, sarcasm and wit versus humor and ridicule, but the affray is only of the moment, as it ends when the last word is spoken.

The gentleman from Illinois [Mr. MANN] opposes the increase for the Government building at Chicago which your committee recommends. He is honest in his contention, but mistaken in judgment. We were asked to grant an increase of $1,000,000 for the Chicago building, but upon investigation we cut the estimates $210,000, making the total authorization $4,790,000, which amount will complete the building in first-class style. Chicago, however, is not the only city affected by this measure. The remedial legislation alone runs to almost one-half the States in the Union, and there are several new propositions that are full of merit, while the city of Washington is given an enlarged building for the accommodation of the Bureau of Engraving and Printing, an urgent necessity, and sites for a hall of records and mail-bag repair shop—most urgent, both of them—are authorized by this bill. Other cities are demanding relief from Congress, but it is impossible to keep up with the growth of the country, and unless our wonderful developement is checked I fear that Congress will never be fully abreast of the times in public-building legislation. That, however, is a matter to be managed by a future Congress.

I ask for a vote.

Salaries of Certain Judges of the United States.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 27, 1903.

The House having under consideration the bill (S. 3287) to fix the salaries of certain judges of the United States—

Mr. GAINES of Tennessee said:

Mr. SPEAKER: There are several members of the Supreme Court and of these inferior Federal courts for whom I bear the profoundest respect and kindliest personal feeling. Their good citizenship and superb work as judges prompts me to praise them in the highest terms, and I know that should this measure become law it would accommodate them, as they think, very much. But I can not see my way clear to support it. I have thought seriously and conscientiously over the whole matter, with the hope that I could prompt myself into supporting this bill, but as it is national and not local, I can not in any wise allow my friendship to weigh in the least in solving the question. I must be just before I am generous even in private matters.

Let us for a few moments briefly look into this problem. The Chief Justice of the Supreme Court receives $10,500 and his eight associates $10,000 each, making an annual total of $90,500, with all their official expenses paid by the Government.

The judges of the United States circuit court of appeals receive, I believe, $6,000 each annually and their expenses, and there are three of this class in the District of Columbia.

The three judges of the court of appeals for the District of Columbia are paid $6,000 each, except the chief justice, who receives $6,500, with all official expenses paid.

The five supreme court judges for the District of Columbia are paid $5,000 each and all official expenses, I presume.

The five judges of the Court of Claims receive each $4,500 and official expenses, I assume.

You see plainly a great difference between the salaries of these several judges, running all the way from a minimum of $4,500 to $10,500 a year. All these judges who live here in the District of Columbia, in the city of Washington, and all buy their provisions in the same market, and rent or purchase and maintain their homes in the same locality, yet they do so on salaries ranging from $4,500 to $10,500, and yet no one has been heard to say that the judge who receives the smallest salary is any deeper in debt, if in debt at all, than the judge who receives $10,000 or $10,500, or that the judge who receives the largest salary lives any better or has more or does more work than the one who receives the least salary. This eliminates the question, "Shall we give these judges a living salary?" We also know that the judges who live in the States and Territories can live cheaper than those who live in Washington City.

When a vacancy occurs in any one of these courts there is a great scramble among the lawyers and their friends for the position. They are glad to get it. They hold to it not so much for the salary that is in it, but for the great honor, distinction, and social position these judgeships carry with them. But few, if any, resign. They ask for these positions, well knowing the amount of the salary is stipulated and fixed by law, and that they must do so much work. If they were to ask for these positions, conditioned that their salaries should be raised after appointment, I dare say that the President would refuse to appoint them, and why? Because there are many other lawyers just as capable as they who are perfectly willing, because of the great honor of these positions, to accept them with the present salaries attached.

Is it just to the people of this Republic, to the taxpayers, under such circumstances to raise the salaries of these officers? I think not.

Again, gentlemen, you well know there are thousands of just claims this Government owes—ten, twenty, forty, and fifty years old—Congress has not paid and wrongfully refuses to pay. Think of this wrong before you are generous.

I have already shown that you discriminate, and have always discriminated, between the salaries paid to judges of the Supreme Court and of the local inferior Federal courts, and you do not now say that the judges of the latter court should be paid equal to the judges of the former court, albeit they must purchase in the same market their maintenance. This clearly is one of the reasons the friends of this bill give for increasing these salaries. Yet in the same bill the same invidious distinction in the value of the salaries allowed is perpetuated, as now provided by law. So this reason for an increase falls to the ground.

All these judges find time for, and should have, their vacation, and regularly. After a good rest they can do better and more work. This we all know. But I am informed that the judges of the Court of Claims work nearly all the year round, and yet they receive less salary than the superior judges, who take a good vacation.

The circuit court of appeals was created, I believe, in 1891 or 1893. The report of the Attorney-General of the United States, dated November 29, 1902, page 1, shows that "the cases disposed of at the October term of 1890 by the Supreme Court was 610: in 1901, 375;" that the "total number of cases docketed" at this term was 623—that is, in 1890—and in 1901, 383—clearly less work to do and less done.

It seems to me the Supreme Court of the United States has less work to do since we created this circuit court of appeals than before, but are disposing of a fewer number of cases, and that, too, with a full court. The Attorney-General of the United States says:

REPORT OF THE ATTORNEY-GENERAL.

DEPARTMENT OF JUSTICE,
Washington, D. C., November 29, 1902.

To the Senate and House of Representatives of the United States of America in Congress assembled:

I have the honor to submit the following report of business transacted by the Department of Justice for the last preceding fiscal year and of other matters appertaining thereto, as required by law:

SUPREME COURT.

The accompanying table shows the result of last year's work of the Supreme Court of the United States, so far as the number of cases can show it. There was a decrease of 18 in the number of cases docketed on the appellate docket, and an increase of 7 in the number disposed of, the number remaining having been increased thereby from 336 to 344.

	Appellate docket—October term.											
	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.
Cases at close of previous term not disposed of	1,177	1,190	1,073	934	714	640	533	383	313	304	306	336
Cases docketed at the term	623	379	275	280	332	382	284	302	520	370	401	383
Total	1,800	1,569	1,348	1,214	1,046	1,022	817	685	833	674	704	719
Cases disposed of at the term	610	496	414	500	406	499	434	372	529	371	368	375
Cases remaining undisposed of	1,190	1,073	934	714	640	533	383	313	304	303	336	344

You dare not say, gentlemen, that if you pay these judges larger salaries they will do more work. You dare not reflect upon them in any such manner. Those whom I personally know are men of honor, and they would repudiate instantly such an imputation. Again, gentlemen, these judges are appointed for life, and after they serve ten years and are 70 years of age they can retire on full pay, and I am informed one of the richest members of the Supreme Court of the United States will retire soon after this bill becomes a law.

Thus allowing these judges to retire—that is, on full pay, after ten years of service, and at the age of 70—is an invidious distinction shown this class of our public servants not shown to any other class.

This is a great consideration to which applicants look when they ask to be appointed to any one of these Federal judgeships. This you will not deny. I have heard this said, gentlemen, by members of this House: "I would give up a practice, if I had it, of $50,000 a year, for an appointment to the Supreme Court of the United States." If you please, an honest and patriotic ambition. I heard one of the judges of the supreme court of Tennessee say the reason why he sought a position in that great court—which has furnished two Supreme Judges of the United States, Justices Catron and Jackson—was "because of the honor the office bestows; to gratify an ambition I have to be a member of the Supreme Court." He was a poor man then and is now; a brilliant advocate and judge.

These, gentlemen, are some of the reasons why I can not support this measure.

I shall now come down to the question of the deportment of some of the judges in the District of Columbia, whose names I do not know, who (through their friends, I dare say) are asking that their salaries be increased.

I was appointed, without any solicitation whatever or knowledge of the fact until I was informed by letter, by Mayor Head, of Nashville, to represent him at what is known to you all as the "get-coal convention," a body of men who convened in Washington City this morning from all over the country, for the purpose of improvising some means to relieve the suffering in this city and the Atlantic coast caused by the coal famine. I was informed in open convention by one of the leading delegates of that convention who lives in this city that not a single solitary indictment had been found against these coal cormorants of the District of Columbia; that not a single grand jury had been charged to take this matter into consideration—this coal trust—and this, too, in the midst of horrible suffering of the people, well known right here in the shadow of the Capitol and the White House, in a stone's throw of the Attorney-General of the United States and under the very nose of these judges.

Is it possible this can be true? I am informed, as the proceedings of this convention will show, that it is true, and yet these judges, whose duty it is to charge the grand juries, and certainly so in a great crisis like this, to promptly and vigorously investigate this heartless holding up of the people—these judges now ask Congress to increase their salaries, put a premium upon such official deportment. If I am incorrectly informed, I pause to be corrected by any member of this House. [A pause.]

We see from the press that in Chicago a number of indictments against these coal barons and transportation lines have been found by the State courts. I ask, gentlemen, have we any law here covering such cases? Surely we must have, and if I am in error, correct me, geutlemen. In Nashville, Tenn., my home, the price of coal has not changed, and it is now selling from $3.25 to $3.75 per ton. But the point is, during this cold snap the price of coal has not risen there. Why is this? Demands have been made, or rather requests from the East for coal have been made on the coal dealers in Tennessee and Alabama, yet coal has not risen in price. Why is this? I will tell you. Mr. Speaker, the grand jury of the State courts of Tennessee are regularly charged to investigate any disobedience of our antitrust laws by any person or corporation, whether dealing in coal or any other product.

I inquired before I left home, along in November last, of Judge Hart, who presides over our criminal court at Nashville, and he said to me that he regularly charged his grand jury on the subject of our trust laws. And I want to say that several trusts have been crushed under the administration of this court. We believe in the freedom of State commerce and interstate commerce. We demand this personal right.

It is a fact, Mr. Speaker, that the very first case filed under the antitrust act of June, 1890, was filed in the Federal court at Nashville, and although Judge Hammond—a Republican, I may add—refused a temporary injunction, in a few months proof was taken, and Judge David M. Key, an old ex-Confederate soldier and our regular district Federal judge, heard the case and perpetually enjoined and broke up a coal combine entered into between citizens at Nashville and in Kentucky.

The opinion of Judge Key can be found reported, I think, in 46 Federal Reporter, and is known as the Jellico case, and I may add here with great pleasure that the United States district attorney in the case was an able lawyer and an ex-Federal soldier, Col. John Ruhm. By prompt and vigorous action this law crushed this coal combine and gave our people relief. The noted Addyston pipe trust case arose in Chattanooga, Tenn. Proceedings were filed under the Cleveland Administration, and the late James H. Bible, a Democrat, was the United States district attorney in charge, acting under the orders of Attorney-General Harmen, Democrat, and not the lamented Garland, as I heretofore stated. The injunction in this case was at first refused, but this judgment was reversed by the circuit court of appeals, composed of Justices Taft of Ohio, Lurton of Tennessee, and Severens of Michigan; and the Supreme Court affirmed the judgment of the circuit court, and this combine was crushed. Indictments were found against the interested parties. They were found guilty and fined each $5,000, as the press reports of that date stated. So much for the way the law is enforced against trusts in Tennessee. Why should the same law and the common law of this district sleep while the people suffer? But such is the case.

Now, Mr. Speaker, I am willing to deal fairly with my fellowman, whether friend or foe, in all cases, and I have thus spoken because my heart is in this subject and I hear the appeal of the people on the outside of this great body, and if I should say less on this occasion, under these circumstances, my conscience would lash me and I would fall short of doing my full duty. I can not yield, and will not, to my friendship and kindly feeling for members of these great courts and do what I think is placing a premium on derelict officials.

I love to be generous and unselfish, and often my oath guards me from doing things that appear to be merciful and generous, but which in law under that oath would be wrong to do, and I stand by my oath. The law was made to protect the people of this district and this Republic from the wrongs of which I here complain, brought to my attention by the suffering people, and I must believe the statements that I have here recited about these judges are true. I have asked you to correct me if I am in error, and you remain mute, while your neighbors say this is all true.

Mr. BABCOCK. Mr. Speaker, I would like to ask the gentleman a question.

Mr. GAINES of Tennessee. Very well.

Mr. BABCOCK. I would like to ask the gentleman from Tennessee if the judges in the District of Columbia are charged with the duty of prosecution? In other words, are they prosecuting officers?

Mr. GAINES of Tennessee. They are not prosecuting attorneys, of course not; but it is their duty under the law, as I am informed, to charge the grand juries and certainly to enforce the law, and thus themselves to obey the law, and this I am informed publicly they have not done.

The gentleman from Wisconsin [Mr. BABCOCK] is chairman of the District of Columbia Committee. He should know the law. And if there is no law, the gentleman has not at any time, this session or for the past six years, opened his mouth on the subject.

The SPEAKER. The time of the gentleman from Tennessee has expired.

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